

1981 December 5

[MALACHTOS, J.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

IOANNIS VRYONIDES,

Applicant,

v.

1. THE EDUCATIONAL SERVICE COMMITTEE
2. THE GRADING COMMITTEE OF THE
MINISTRY OF EDUCATION,

Respondents.

(Case No. 28/75).

Practice—Recourse for annulment—Amendment of claim for relief so as to challenge validity of decision taken after the sub judice decision and after filing of the recourse—Not possible even with consent of counsel for the respondents.

Public Officers—Qualifications—Evaluation—All relevant facts taken into consideration—No misconception of fact—Relevant decision a duly reasoned one. 5

The applicant, a secondary education schoolmaster on scale B6, applied to the respondent Committee for promotion on scale B10. Amongst the qualifications required by the relevant scheme of service was “a degree/title of another University in the relevant language and literature or equivalent qualification”. His application for promotion was supported by the following qualifications which in the submission of applicant satisfied the aforequoted requirement of the scheme of service: 10 15

- (a) A.C.P. diploma in education;
- (b) University of London Institute of Education;
- (c) Diploma in the teaching of English as a foreign language;
- (d) Cambridge certificate of Proficiency in English; 20

- (c) Final Diploma of the Institute of Linguists;
- (f) Membership of the Institute of Linguists (MIL).

5 The respondent Committee decided to reject applicant's claim for promotion on the ground that his qualifications did not satisfy the above requirement of the scheme of service; and informed applicant accordingly by letter* dated 28.2.1975 in which it was stated, *inter alia*, that the Committee having considered the application and having taken into consideration all the elements and documents before it as well as the views
10 of the Evaluation Committee decided that applicant's qualifications cannot be considered as equivalent to a University Degree/ title.

15 As against the above decision applicant filed the above recourse. After the filing of this recourse the applicant submitted new facts in support of his allegation that his qualifications were equivalent to a University degree; the respondent Committee examined applicant's claim in the light of those facts and rejected it on the 17th January, 1976. On March
20 1976 applicant was granted, with the consent of counsel for the respondent, an amendment of his claim in this recourse by virtue of which he could attack, also, the latter decision of January 17, 1976, by means of this recourse.

Counsel for the applicant contended:

- 25 (a) That the respondent Committee confined themselves to the examination of only the "Membership of the Institute of Linguists (MIL)" title and did not examine all the qualifications of the applicant collectively; and that this omission, amounted to misconception of facts which, by itself, alone, rendered the decision complained of null and void and of no legal effect
30 whatsoever;
- (b) that, irrespective of the above omission, respondents wrongly valued the MIL title as not equivalent to a university degree;
- 35 (c) That the decision of the respondent committee was not duly reasoned.

* The letter is quoted in full at pp. 549-552 *post*.

Held, (1) that the application for amendment was wrongly granted, even with the consent of counsel of the respondent Committee; that in no case the decision of the respondent Committee of 17.1.1976 whether being an executory one or confirmatory of the decision of 28.2.1975 complained of in the present recourse, could be embodied in the present recourse; and that, therefore, this Court will not pronounce on the submissions and arguments of counsel made on facts which took place after the 28th February, 1975 when the decision complained of in the present recourse was issued.

(2) That it is clear from the relevant minutes of the respondent Committee and their letter to the applicant dated 28.2.1975, as well as the relevant correspondence contained in the personal file of the applicant, that all the qualifications of the applicant, including the MIL title, were carefully considered by the respondent Committee before issuing the decision complained of; that in reaching this decision they took into consideration all the relevant facts, including the views of the Evaluation Committee; and that, therefore, it cannot be said that there is misconception of facts on their part.

(3) That as regards the reasoning of their decision this is also contained in their letter to the applicant dated 28.2.1975 where it is clearly stated that he did not possess the required qualifications specified in the relevant schemes of service for promotion on scale B10; accordingly this recourse should fail.

Application dismissed.

Recourse.

Recourse against the refusal of the respondents to emplace applicant, a teacher of secondary education, on scale B. 10.

L. Papaphilippou, for the applicant. 30
A. S. Angelides, for the respondents.

Cur. adv. vult.

MALACHTOS J. read the following judgment. The applicant in this recourse served as a teacher in the elementary education as from 1951 to the 6th October, 1969, when he was seconded to the secondary education. As from 1.1.1970 he was appointed on probation on scale B3 as a teacher of English in secondary 35

education schools. At the time of his appointment on scale B3 the applicant had the following qualifications:

- (a) a diploma of the Morphou Teachers' Training College;
- (b) a University of London Institute of Education;
- 5 (c) a diploma in the teaching of English as a foreign language.

On the 30th June, 1970, it was decided to abridge his probationary period and to confirm his appointment on scale B3 as from 1.1.1970.

- 10 On the 12th January, 1971, the applicant applied for promotion to a higher scale on the basis of his years of service, his qualifications and grading. The respondent by its decision dated 18th January, 1971, promoted the applicant to scale B6 as from 1.2.1971 and the applicant accepted this promotion
- 15 by letter dated 21.1.1971.

On the 6th March, 1972, the applicant applied for promotion to scale B10 on the strength of his 20 years service success in the examinations for the Cambridge Certificate Proficiency in English, which examinations took place in Cyprus.

- 20 On the 27th March, 1972, the evaluation committee decided that the Certificate referred to in the application of the applicant. does not cover either formally or substantially the qualifications of the schemes of service for promotion from scale B6 to scale B10 as it does not amount to postgraduate course for the period
- 25 of one year in a special overseas college.

On the 1st May, 1972, the respondents decided that they could not respond to the applicant's claim for the above reasons and communicated their decision to the applicant by their letter dated 3rd May, 1972.

- 30 By letter dated 25th June, 1972, the applicant returned to his claim and the respondents by letter dated 8th July, 1972, replied to him that they could not add anything more to the above letter of 3rd May, 1972.

- 35 By letter dated 20th September, 1972, the applicant gave notice to the respondent committee that he had started studies for the associationship of the college of Preceptors (A.C.P.) of

καί

(β) Πτυχίου/τίτλος ἐτέρου πανεπιστημίου εἰς τὴν οἰκείαν γλῶσσαν καὶ φιλολογοῖαν ἢ ἰσοδύναμον προσόν.

2. Κατάρτισις εἰς τὰ Παιδαγωγικά (βλ. Σημ. (ι) κατωτέρω).

5 Β. Διὰ Προαγωγήν

1. Εἰς τὴν θέσιν ταύτην προάγεται Καθηγητῆς εὐρισκόμενος ἐπὶ τῆς κλίμακος Β.6, ἔάν—

(α) κατέχη τὰ προσόντα τὰ ἀπαιτούμενα διὰ πρῶτον διορισμὸν εἰς τὴν θέσιν Καθηγητοῦ ἐπὶ τῆς κλίμακος Β.3.

10

Σημ.: Οἱ ἐν τῇ ὑπηρεσίᾳ κατὰ τὴν 1ην Ἰουλίου 1969 Καθηγηταὶ ἐπὶ τῆς κλίμακος Β.3 προαγόμενοι εἰς τὴν θέσιν Καθηγητοῦ ἐπὶ τῆς κλίμακος Β.6 δύνανται νὰ προάγωνται τηρουμένων τῶν λοιπῶν ὄρων, καὶ εἰς τὴν θέσιν Καθηγητοῦ ἐπὶ τῆς κλίμακος Β.10 ἔστω καὶ ἔάν δὲν κατέχουν τὰ ἀπαιτούμενα προσόντα διὰ πρῶτον διορισμὸν εἰς τὴν θέσιν Καθηγητοῦ ἐπὶ τῆς κλίμακος Β.3.

15

(β) ἔχη συμπληρώσει τοῦλάχιστον ἑνὸς ἔτους ὑπηρεσίαν ἐπὶ τοῦ ἀνωτάτου σημείου τῆς κλίμακος Β.6.

20

Σημ.: Μέχρι τῆς 1ης Σεπτεμβρίου 1972, τηρουμένων τῶν λοιπῶν ὄρων, προάγεται καὶ ὁ ἔχων συνολικὴν ἐκπαιδευτικὴν ὑπηρεσίαν τοῦλάχιστον 14 ἐτῶν ἔστω καὶ ἔάν οὗτος δὲν θὰ ἔχη συμπληρώσει ἑνὸς ἔτους ὑπηρεσίαν ἐπὶ τοῦ ἀνωτάτου σημείου τῆς κλίμακος Β.6.

25

(γ) ἔχη κατὰ τὰ τελευταῖα πέντε ἔτη εὐδόκιμον ὑπηρεσίαν ὡς καὶ πρόσθετα εἰδικὰ προσόντα ἀποκτώμενα διὰ τῆς ἐπὶ ἑν τοῦλάχιστον πληρῆς ἀκαδημαϊκὸν ἔτος μετεκπαιδεύσεως εἰς εἰδικὴν σχολὴν τοῦ ἑξωτερικοῦ ἐγκρινομένην ὑπὸ τοῦ Ὑπουργείου Παιδείας καὶ βεβαιούμενα διὰ σχετικοῦ πιστοποιητικοῦ σπουδῶν.

30

("SCHOOLMASTER

On salary scale B10 £912X30—1032X3—1428

(First entry and promotion
post)

35 *Duties and responsibilities:*

1. Teaching duties within the scope of the time and analy-

tical programme, in such classes and sections, as the director of the school might determine.

- 2. Active participation in all business, functions and activities of the school.
- 3. Any other duties which might be assigned to him in the interest of the students, the school and education in general. 5

Required qualifications:

A. *For First Entry* 10

(b) *For Foreign Languages*

- 1. Degree of a Greek University in the relative language and literature
- or
- (a) School leaving certificate of a six year school or other similar secondary school of Cyprus or abroad (see note (ii) below) 15

and

- (b) Degree/title of any other university in the relative language and literature or equivalent qualification. 20
- 2. Experience in paedagogics. (see note (i) below).

B. *For Promotion*

- 1. A schoolmaster on scale B6 is promoted if—
- (a) he possesses the qualifications required for first entry to the post of schoolmaster on scale B3. 25

Note: Those school masters serving on the 1st July, 1969 on scale B3 and promoted to the post of schoolmaster on scale B.6 may be promoted, provided the other conditions are complied with, to the post of Schoolmaster on Scale B.10 even though they do not possess the required qualification for first appointment to the post of Schoolmaster on scale B.3. 30

- (b) he has completed at least one year's service on the top of salary scale B.6. 35

Note: Until the 1st September, 1972, provided the other provisions are complied with, a schoolmaster having a total educational service of at least 14 years may he promoted even though he has not completed one year's service on the top of salary scale B.6.

(c) he has for the last five years successful service and additional special qualifications acquired by at least one academic year post graduate course in a special school abroad approved by the Ministry of Education and verified by a relative certificate of studies").

By letter dated 10th February, 1973, the respondent Committee communicated their above decision to the applicant to the effect that the A.C.P. diploma cannot be considered as an additional special qualification for the purposes of the schemes of service for promotion from scale B6 to scale B10.

By letter dated 5th August, 1973, the applicant notified the respondent Committee that he was successful in the examinations and as a result he obtained the final diploma of the Institute of Linguists—London, and he was applying for his promotion to scale B10.

By letter dated 30th August, 1973, the applicant makes reference to his previous letter and gives supplementary information as regards the said diploma.

On 24th September, 1973, a new letter follows by the applicant addressed to the respondent Committee by which he was notifying it that he obtained the title M.I.L. (Member of the Institute of Linguists).

On 26th October, 1973, the applicant addressed another letter to the respondent Committee by which he notified it that he had obtained the A.C.P. diploma for which he started studies as referred to in his previous letter of 20th September, 1972.

By letter dated 31st October, 1973, the applicant notified the respondent Committee that over and above of what he had referred to in his original application of 5th August, 1973, he would like to add supplementary facts of his out of school activities. As a result of this letter the respondent Committee invited the applicant, on the 27th December, 1973, to contact the Chairman of the Evaluation Committee.

By letter dated 26th February, 1974, the applicant notified the respondent Committee that he was awarded the title of M.I.L.

By letter dated 19th September, 1974, in which a photo copy in connection with the title M.I.L., in which the relevant photo copy was enclosed, he protests for the delay in receiving a reply to his application as regards his promotion to scale B10. In the meantime, the evaluation committee asked for the opinion of the British Council as regards the recognition of the title M.I.L. in Great Britain.

By letter dated 18th October, 1974, the applicant protested to the respondents that in view of the fact that he did not receive any reply to his application, he would file a recourse in the Constitutional Court.

By letter dated 23rd October, 1974, the respondents informed the applicant that they had already answered his claim since 10th February, 1973, and that a new claim based on a new diploma started with his letter of the 5th August, 1973, but in view of the fact that since then the applicant was continuously submitting to them new elements and facts in support of his claim, which the Evaluation Committee had to examine, the last one being submitted on 19th September, 1974, that is 13 months after the submission of the original application, the reply was delayed. In any case it was his right to file a recourse if he so wished.

On the 2nd November, 1974, the applicant filed Recourse No. 377/74.

By letter dated 1st November, 1974, the applicant applied for an appointment with the Head of the Department of the Secondary Education and on 18th November, 1974, after the said appointment took place, addressed to the respondent Committee a letter containing the history of the whole case.

By letter dated 20th February, 1975, the Head of the Department of Secondary Education, informed the applicant that his case was under consideration by the Evaluation Committee.

On the 28th February, 1975, the respondent Committee decided that the claim of the applicant for promotion to scale B10 could not be accepted.

This decision of the respondent was taken after obtaining the opinion and advice of the Evaluation Committee, and was communicated to the applicant by letter dated 28th February, 1975.

5 This letter reads as follows:

10 “ Έπιθυμῶ νά αναφερθῶ εἰς τὸ αἴτημά σας διὰ προαγωγὴν εἰς θέσιν ἐπὶ τῆς κλίμακος Β.10 καὶ νά σας πληροφορήσω ὅτι ἡ Ἐπιτροπὴ Ἐκπαιδευτικῆς Ὑπηρεσίας ἐξέτασασα τὴν αἴτησιν σας καὶ λαβοῦσα ὑπ’ ὄψιν πάντα τὰ ἐνώπιον αὐτῆς στοιχεῖα καὶ ἔγγραφα ὡς καὶ τὰς ἀπόψεις τῆς Ἐπιτροπῆς Ἀξιολογήσεως καθ’ ὅς

“ Ἡ Ἐπιτροπὴ Ἀξιολογήσεως κρίνει ὅτι τὰ προσόντα τοῦ κ. Βρυωνίδη δὲν δύνανται νά θεωρηθοῦν ὅτι ἰσοδυναμοῦν πρὸς Πτυχίον/τίτλον Πανεπιστημίου.

15 1. Ὁ κ. Βρυωνίδης βασίζει τὴν αἴτησιν του κυρίως εἰς τὴν ἀναγνώρισιν ἢ ὁποία προσφέρεται ὑπὸ τῆς Ἐπιτροπῆς Burnham ἐν Ἀγγλίᾳ εἰς τὸ M.I.L. (Membership of the Institute of Linguists) ὡς ἰσοδύναμου πρὸς Πτυχίον Πανεπιστημίου.

20 Παρ’ ὅλον ὅτι ἡ ἀναγνώρισις αὐτὴ ὑπὸ ἐπιτροπῆς ἥτις καθορίζει τὴν ἀμοιβὴν τῶν ἐκπαιδευτικῶν ἐν Ἀγγλίᾳ δὲν εἶναι δεσμευτικὴ διὰ τὸ Ὑπουργεῖον Παιδείας, ἐν τούτοις πρέπει νά διευκρινισθῇ ὅτι:

25 (α) Ἡ ἀναγνώρισις προσφέρεται διὰ σκοποῦς μισθοδοσίας μόνον, προφανῶς λόγω τῆς σπάνεως ἥτις παρατηρεῖται ἐν Ἀγγλίᾳ εἰς καθηγητὰς ξένων γλωσσῶν.

30 (β) Ἡ ἀναγνώρισις προσφέρεται εἰς Ἀγγλοὺς οἵτινες ἀπέκτησαν τὸ M.I.L. εἰς γλώσσαν ἄλλην ἀπὸ τὴν Ἀγγλικὴν (Οἱ κανονισμοὶ τοῦ Ἰνστιτούτου δὲν ἐπιτρέπουν ἐξέτασιν εἰς τὴν μητρικὴν γλώσσαν).

35 (γ) Εἶναι λίαν ἀπίθανον νά προσφερθῇ διορισμὸς εἰς Ἀγγλικά σχολεῖα εἰς ξένους καθηγητὰς ἀποκτῶντας τὸ M.I.L. εἰς τὴν Ἀγγλικὴν γλώσσαν ὡς ἡ περίπτωση τοῦ κ. Βρυωνίδη.

(δ) Δὲν γνωρίζομεν περίπτωσιν ἀναγνώρισεως τοῦ

M.I.L. υπό του Ἀγγλικοῦ Πανεπιστημίου διὰ σκοποῦς μεταπτυχιακῶν σπουδῶν.

(ε) Αἱ ἐξετάσεις τοῦ Linguists εἶναι εὐρέως γνωσταὶ ἐν Ἀγγλίᾳ ὡς tests διὰ ἐπαγγελματίας μεταφραστᾶς.

2. Ἐξετάσαμεν μετὰ προσοχῆς τὸ Syllabus τῶν τελικῶν 5
ἐξετάσεων τοῦ Institute of Linguists. Πιστεύομεν
ὅτι εἶναι κατωτέρου ἐπιπέδου τοῦ Diploma of English
Studies τοῦ Πανεπιστημίου τοῦ Cambridge κάτοχοι
τοῦ ὁποῦ κατατάσσονται ὑπὸ τῆς E.E.Y. εἰς τὴν 10
B.3 κλίμακα. Τὴν ἀποψιν αὐτὴν τῆς Ἐπιτροπῆς
ἐπιβεβαιώνει ὁ καθηγητὴς τῶν Ἀγγλικῶν κ. Νίκος
Μιχαηλίδης ὁ ὁποῖος ἠσχολήθη μὲ ἀμφοτέρας τὰς ἐξε-
τάσεις. Γίνεται σύγκρισις μὲ τὸ Diploma of English
Studies διότι εἶναι διεθνῶς γνωστὸν προσὸν καὶ διότι 15
ὡς καὶ τὸ M.I.L. εἰς τὴν Ἀγγλικὴν προσφέρεται μόνον
εἰς μὴ Ἀγγλους σπουδαστᾶς
(external students).
3. Τὸ M.I.L. δὲν δύναται νὰ θεωρηθῆ ὡς πρόσθετον 20
εἰδικὸν προσὸν ἀποκτώμενον διὰ τῆς ἐπὶ ἓν τουλάχιστον
πλήρες ἀκαδημαϊκὸν ἔτος μετεκπαιδεύσεως
εἰς εἰδικὴν σχολὴν τοῦ ἐξωτερικοῦ ἐγκρινομένην ὑπὸ
τοῦ Ὑπουργείου Παιδείας,

ἀπεφάσισεν ὅτι δὲν δύναται νὰ ἀνταποκριθῆ εἰς τὸ αἴτημά σας καθότι

- (α) τὰ προσόντα σας δὲν εἶναι ἰσοδύναμα πρὸς Πτυχίον/ 25
τίτλον Πανεπιστημίου τοῦθ' ὅπερ ἀπαιτεῖται διὰ
κατάταξιν εἰς θέσιν ἐπὶ τῆς κλίμακος B.10.
- (β) Τὸ ὑφ' ὑμῶν κτηθὲν Membership of the Institute 30
of Linguists δὲν θεωρεῖται πρόσθετον εἰδικὸν προσὸν
ἀποκτώμενον διὰ τῆς ἐπὶ ἓν τουλάχιστον πλήρες
ἀκαδημαϊκὸν ἔτος μετεκπαιδεύσεως εἰς εἰδικὴν σχολὴν
τοῦ ἐξωτερικοῦ ἐγκρινομένην ὑπὸ τοῦ Ὑπουργείου
Παιδείας ὡς ἀπαιτεῖται ὑπὸ τῶν Σχεδίων Ὑπηρεσίας
διὰ προαγωγὴν ἐκ τῆς κλίμακος B.6 εἰς τὴν κλίμακα 35
B.10 Ὡσαύτως δὲν πληροῦτε καὶ ἕτερον ὄρον ἐκ
τῶν ἀπαιτουμένων ὑπὸ τῶν Σχεδίων Ὑπηρεσίας
διὰ τὴν ἐν λόγω προαγωγὴν ἥτοι δὲν ἔχετε συμπλη-
ρώσει ἐνὸς ἔτους ὑπηρεσίαν ἐπὶ τοῦ ἀνωτάτου σημείου
τῆς κλίμακος B.6."

5 ("I wish to refer to your claim for promotion to the post on scale B.10 and to inform you that the Educational Service Committee having examined your application and taking into consideration all elements and documents before it as well as the views of the Evaluation Committee by which

'The Evaluation Committee considers that the qualifications of Mr. Vryonides cannot be regarded that they are equivalent with a university degree/title.

10 1. Mr. Vryonides bases his application mainly on the recognition which is accorded by the Burnham Committee in England to the M.I.L. (Membership of the Institute of Linguists) as equivalent to a University degree.

15 Even though this recognition by a Committee which determines the remuneration of educationalists in England is not binding on the Ministry of Education, yet it must be clarified that:

20 (a) The recognition is offered for salary purposes only evidently due to the scarcity which is noticed in England for schoolmasters of foreign languages.

25 (b) The recognition is offered to Englishmen who acquired the M.I.L. in a language other than English (The regulations of the Institute do not permit an examination in the mother language).

(c) It is very improbable that an offer in English schools will be made to foreign schoolmasters who acquire the M.I.L. in the English language as in the case of Mr. Vryonides.

30 (d) We do not know a case where the M.I.L. was recognised by any English University for post graduate studies.

(e) The examinations of Linguists are broadly known in England as tests for professional translators;

35 2. We have examined with care the Syllabus of the final examinations of the Institute of Linguists.

We believe that it is of a lower level than the Diploma of English Studies of the Cambridge University, holders of which are emplaced by the Educational Service Committee on Scale B.3.

This view of the Committee is verified by school-master of English Mr. Nicos Michaelides who has been engaged with both examinations. Comparison is being made with the Diploma of English Studies because it is an internationally known qualification and because the M.I.L. in English is offered only to non-English students (external students).

3. The M.I.L. cannot be considered as additional special qualification acquired by a one year post graduate academic course in a special school abroad approved by the Ministry of Education'

decided that it cannot respond to your request as,

- (a) your qualifications are not equivalent to a university Degree/title which is required for emplacement to the post on scale B. 10.
- (b) the acquired by you Membership of the Institute of Linguists is not considered 'additional special qualification acquired by a one year post graduate academic course in a special school abroad approved by the Ministry of Education' as required by the Schemes of Service for promotion from scale B.6 to scale B.10. Likewise you do not fulfil another of the required provisions of the Schemes of Service for the said promotion i.e. you have not completed one year's service on the top of salary scale B.6.")

As a result, the applicant filed the present recourse claiming a declaration of the Court that the decision and/or act of the respondent Committee contained in the letter of its Chairman, dated 28th February, 1975, by which they decided not to emplace the applicant, a teacher of secondary education, on scale B.10, is null and void and of no legal effect whatsoever.

Even after the filing of the present recourse the applicant continued his correspondence on the subject with the respondent

Committee. By letters dated 23.5.1975, 5.6.1975, 8.7.1975 and 22.8.1975, the applicant submitted new facts to support his allegations that his qualifications were equal to a university degree and expressed certain remarks on the decision of 28.2.1975, the subject matter of the present recourse.

On 17.1.1976 the respondent Committee examined the claim of the applicant once again in the light of the new facts submitted by him and rejected it. This decision was communicated to the applicant on the same day.

On 22.3.1976, the date fixed for hearing of this recourse, the applicant filed an application for amendment of his claim which was, with the consent of counsel for the respondent Committee, granted on the same day. The amendment was that after the words "dated 28th February, 1975", the words "and by 17th January, 1976" should be added. This in effect amounted to the applicant attacking in the present recourse both the decision of the respondent Committee contained in the letter of 28.2.1975 and 17.1.1976.

I must say straight away that the application for amendment was wrongly granted, even with the consent of counsel of the respondent Committee. In no case the decision of the respondent Committee of 17.1.1976, whether being an executory one or confirmatory of the decision of 28.2.1975 complained of in the present recourse, could be embodied in the present recourse.

For this reason I do not intend to pronounce on the submissions and arguments of counsel made on facts which took place after the 28th February, 1975, when the decision complained of in the present recourse was issued.

Counsel for applicant, in support of his case, submitted that the matter under consideration in the present recourse depends on whether the qualifications of the applicant are equivalent to a university degree or title in accordance with paragraph B(1)(c) of the Schemes of Service, having in mind that it is an admitted fact that the applicant is a graduate of a secondary school and of the Teachers' Training College of Morphou. The application of the applicant for promotion on scale B.10 was supported, as it appears from the whole correspondence, on the following qualifications:

- (a) A.C.P. diploma in education;

- (b) University of London Institute of Education;
- (c) Diploma in the teaching of English as a foreign language;
- (d) Cambridge certificate of Proficiency in English;
- (e) Final Diploma of the Institute of Linguists; 5
- (f) Membership of the Institute of Linguists (MIL).

Counsel for applicant further submitted that the respondent Committee confined themselves to the examination of only the MIL title and did not examine all the qualifications of the applicant collectively. This omission, as he alleged, amounts to misconception of facts which, by itself, alone, renders the decision complained of null and void and of no legal effect whatsoever. He further argued that irrespective of the above omission, the respondents wrongly evaluated the MIL title as not equivalent to a university degree. Finally, he submitted, that the decision of the respondent Committee was not duly reasoned. 10 15

I must say that I find no merit in the above submissions of counsel for applicant. It is clear from the relevant minutes of the respondent Committee, and their letter to the applicant dated 28.2.1975, as well as the relevant correspondence contained in the personal file of the applicant, that all the qualifications of the applicant, including the MIL title, were carefully considered by the respondent Committee before issuing the decision complained of. In reaching this decision they took into consideration all the relevant facts, including the views of the Evaluation Committee. Therefore, it cannot be said that there is a misconception of facts on their part. 20 25

As regards the reasoning of their decision, this is also contained in their letter to the applicant dated 28.2.1975, where it is clearly stated that he did not possess the required qualifications specified in the relevant Schemes of Service for promotion on scale B.10. 30

For the above reasons, this recourse fails and is, consequently, dismissed. 35

On the question of costs I make no Order.

Application dismissed. No order as to costs.