

1966  
May 17

[ZEKIA, P., VASSILIADES, MUNIR, JOSEPHIDES, JJ]

ELENI IOANNIDOU  
and  
THE REPUBLIC  
OF CYPRUS,  
THROUGH  
THE PUBLIC  
SERVICE  
COMMISSION

ELENI IOANNIDOU,  
*Appellant-Applicant*  
and  
THE REPUBLIC OF CYPRUS, THROUGH  
THE PUBLIC SERVICE COMMISSION.

*Respondent*

(*Revisional Jurisdiction Appeal No 11*)

*Administrative Law—Constitution of Cyprus, Article 146 1 and 2—  
Public Offices—Filling the post of Administrative Secretary  
Planning Commission—Trial Court's decision that the exami-  
nation for ascertaining the suitability of candidates for the  
said office was merely a preparatory act and could not be the  
subject of a recourse by the applicant-appellant upheld by  
Court of Appeal*

*Constitutional Law—Constitution of Cyprus, Article 146 1 and 2—  
Recourse under Article 146 2—Examination for ascertaining  
the suitability of candidates for the office of Administrative  
Secretary, Planning Commission—A preparatory step and  
not a final executory act—Therefore no recourse possible by  
applicant-appellant under Article 146 2—Trial Court's decision  
on the point upheld by Court of Appeal*

In this appeal the appellant appealed against the judgment of a Judge of the Supreme Court, exercising the revisional jurisdiction of the Court, dismissing her recourse which *inter alia* was directed against the validity of an examination held by the respondent Public Service Commission for the purpose of selecting a candidate for the post of Administrative Secretary

The trial Judge held that the holding of an examination for ascertaining the suitability of the candidate for the office in question was merely a preparatory act and could not be the subject matter of a recourse by the appellant

*Held, affirming the judgment of the trial Court.*

We have not been persuaded that the Court below was

wrong in holding that the applicant (appellant) at the time she lodged the recourse was not entitled to do so under Article 146.1 and 2 and, therefore, the present appeal is dismissed.

*Appeal dismissed. No order as to costs.*

### Appeal.

Appeal against the judgment of a Judge of the Supreme Court of Cyprus (Triantafyllides, J.) given on the 22nd December, 1965 (Revisional Jurisdiction Case No. 53/63) dismissing a recourse against the validity of an examination held on the 28th March, 1963, in relation to the post of Administrative Secretary, of the Planning Commission.

*A. Pantelides*, for the Appellant.

*L. Loucaides*, Counsel of the Republic, for the Respondent.

The judgment of the Court was delivered by:-

ZEKIA, P.: This appeal relates to the application of Article 146.1 and 2 of the Constitution to the particular facts of this case. The facts of the case are given in the Judgment of the trial Judge.\* We need not repeat them. The whole point turns on whether the holding of examinations for the purpose of selecting a candidate for the post of Administrative Secretary can be the subject of a recourse under Article 146.2. This depends on whether the holding of such examination constitutes a final executory act or a preparatory step towards such act. The learned Judge held that the holding of the examination for ascertaining the suitability of the candidate for the office in question was merely a preparatory act and could not be the subject matter of a recourse by the Applicant (Appellant).

The learned counsel for the Appellant addressed us at length and referred us to many authorities. We heard on the other side the counsel for the Respondent as well.

We have not been persuaded that the Court below was wrong in holding that the Applicant (Appellant) at the time she lodged the recourse was not entitled to do so under Article 146.1 and 2 and, therefore, the present appeal is dismissed.

No order as to costs.

*Appeal dismissed.*

*No order as to costs.*

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\*Judgment published in (1965) 3 C.L.R. at p. 664.