

1980 December 4

[SAVVIDES, J.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

MARIA PARASKEVOPOULOU,

*Applicant,*

v.

THE REPUBLIC OF CYPRUS, THROUGH  
THE EDUCATIONAL SERVICE COMMITTEE,

*Respondent.*

(Case No. 374/78).

5 *Legitimate interest—Article 146.2 of the Constitution—Recourse against appointments or promotions—Only persons possessing qualifications under the relevant scheme of service can make such a recourse—Appointment to post of Inspector of Secondary Education for French—Applicant not possessing the qualifications of post-graduate course abroad on paedagogics as required by the scheme of service—She possesses no legitimate interest to pursue a recourse against said appointment.*

10 *Administrative Law—Administrative decision—Validity of—Can be upheld by the Court once one of the grounds on which it was reached was correct.*

15 *Educational Officers—Appointments and promotions—Recourse against appointment to post of Inspector of Secondary Education—Applicant not possessing the qualifications required by the relevant scheme of service—No legitimate interest, under Article 146.2 of the Constitution, to pursue a recourse.*

20 The applicant, an Assistant Headmistress of Secondary Schools applied for appointment to the post of Inspector of Secondary Education for French. On the 16th August, 1978, she was informed by the respondent Commission that she could not be considered as a candidate for the above post because she did not satisfy all the requirements of the scheme of service relating to such post in that she did not possess a University

degree or diploma or other equivalent diploma and that she did not have a post-graduate course in paedagogics abroad of the duration of at least one academic year. Hence this recourse.

Regarding the post-graduate course applicant, between the 1st July to the 15th August of the years 1960 and 1961, attended two courses in paedagogics at the University of Sorbonne.

*Held*, that an officer can have a legitimate interest to dispute the validity of a promotion, only if he possesses the qualifications required for such promotion; that applicant has not satisfied the court that she did possess the requirement concerning the post-graduate course appearing in the scheme of service because the total period of the post-graduate courses that she attended was not more than three months, whereas under the schemes of service such course had to be for one academic year; that, therefore, the reason given by the respondent Committee in rejecting applicant's application was a legitimate one; accordingly since applicant was not a candidate satisfying all necessary requirements of the schemes of service she had no legitimate interest in pursuing this recourse which must be dismissed.

*Held*, further, that this Court has not examined whether the first ground given by the respondent Committee is a sound one or whether it is wrong, because even if the decision of the respondent Committee in this respect was wrong, that does not annual their decision once one of the grounds for which they rejected her application was correct (see, *inter alia*, *Pikis v. The Republic* (1967) 3 C.L.R. 562).

*Application dismissed.*

Cases referred to:

*Paraskevopoulou v. The Republic* (1971) 3 C.L.R. 426 at p. 432;  
*Papapetrou v. The Republic*, 2 R.S.C.C. 61 at pp. 66 and 67;  
*Petsas v. The Republic*, 3 R.S.C.C. 60 at p. 63;  
*Constantinou v. The Republic* (1974) 3 C.L.R. 416 at p. 418;  
*Kypris v. The Republic* (1976) 3 C.L.R. 396;  
*Arsalis v. The Republic* (1976) 3 C.L.R. 255;  
*Efstathiou v. The Republic* (1974) 3 C.L.R. 108 at p. 111;  
*Pikis v. The Republic* (1967) 3 C.L.R. 562 at p. 576;

*Spyrou and Others v. The Republic* (1973) 3 C.L.R. 478 at p. 484;

*Anthoupolis Ltd. and Another v. The Republic* (1980) 3 C.L.R. 298 at pp. 302 and 303.

5 **Recourse.**

Recourse against the decision of the respondent whereby applicant was not considered as a candidate for appointment in the post of Inspector of Secondary Education for French and against the decision to appoint the interested party to the said post in preference and instead of the applicant.

10 *G. Ladas*, for the applicant.

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

*Cur. adv. vult.*

SAVVIDES J. read the following judgment. The applicant by  
15 the present recourse claims:-

(a) That the decision of the Educational Service Committee dated the 16th August, 1978 whereby the applicant's application for appointment in the post of Inspector of Secondary Education for French was dismissed, be  
20 declared null and void and of no legal effect and/or as being contrary to law and/or in abuse of power and/or as having been taken under substantial misconception of facts.

(b) That the omission of the respondent Committee to consider the applicant as candidate for appointment in the post of Inspector of Secondary Education for French, be declared as null and void.

(c) That the decision of the respondent Committee to appoint Mr. Matsis as Inspector of Secondary Education for French, be declared null and void and  
30 of no legal effect and as having been taken under a substantial misconception of facts.

The facts of the case as set out in the application and as appearing in the personal file of the applicant which was put  
35 before the Court as *exhibit* 19, are shortly as follows:

In 1961 the applicant obtained a "Diploma in the French Language and Literature (summer period) for the teaching of French abroad" (see *exhibit* 1). In 1969 she applied to

the respondent Committee for her emplacement on Scale B. 10. Her application was refused on the ground that she did not possess the necessary qualifications required by the relevant schemes of service because her diploma could not be considered as "equivalent to a four-year cycle of studies". 5  
The Committee reached such a decision after consulting a Committee of experts especially appointed for the purpose of examining the qualifications of the applicant. As a result, applicant filed two recourses before this Court. The one under No. 63/70 and the other under No. 405/70. Recourse No. 10  
63/70 was withdrawn on the 20th September, 1971, in the light of the following statement made by counsel for the respondent Committee:

"*Mr. Tornaritis*: If the applicant proves that her diploma and qualifications as they stood on the 1st January, 1970 are coming within the ambit of the equivalent qualifications of the schemes of service referred to in Recourse No. 405/70, then she will be classed retrospectively on the Scale B. 10 from the 1st January, 1970, which is the material time of the *sub judice* decision in this recourse". (See Blue 1 in her personal file, *exhibit 19*). 15  
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The judgment in the second recourse was delivered on the 23rd October, 1971 whereby applicant's recourse was dismissed. (*Vide Paraskevopoullou v. The Republic of Cyprus through the Educational Service Committee* (1971) 3 C.L.R. p. 426). 25  
At p. 432, A. Loizou, J. gave the following reasons for dismissing applicant's recourse:

"In interpreting the expression 'equivalent qualification' regard must be had to the context in which such expression is used in the relevant schemes of service and their wording as a whole. To my mind, it cannot merely mean knowledge of the standard of a University degree; it presupposes some type of education which leads after examinations to a certificate of such a standard that may reasonably be considered as equivalent to a University degree or title. 30  
35

It appears from the whole of the reasoning of the respondent committee for their *sub judice* decision that this is how the whole question was approached. When re-examining the applicant's claim, the respondent 40

committee was not conducting examinations as to her standard of knowledge and consequently the applicant had to be interviewed personally being the supposed examinee.

5 All relevant material was placed by the applicant before the respondents and they conducted, what appeared to me to be a very proper and fair inquiry. Their interpretation of the schemes of service and at that the relevant expression of 'equivalent qualification' used therein, a function which  
10 is within their competence, was reasonable. If anything need be said about it, the fact that the university that gives such diploma as *exhibit* 1 does not consider it as equivalent to the licence, the lowest university degree, is an answer to any claim that the respondents did not reasonably interpret the schemes of service. The interpretation of  
15 the schemes of service is within the province of the appropriate organ, and this Court will not interfere if it was reasonably open to it to reach the conclusion that it did."

The said judgment was appealed from and the appeal was  
20 fixed for hearing on the 30th November, 1972. In the meantime the following developments took place. On the 31st October, 1972 applicant was awarded a Doctorat De L' Universite De Paris in Etudes Neo-Greques after her dissertation "Recherches Sur les Traditions Des Fetes Religieuses Populaires De Chypre"  
25 (copy of which is *exhibit* 4) was approved by the University as entitling her to the award of such title. At the same time, the Government of France awarded to the applicant the academic title of "Chavalier de L' Ordre Des Palmes Academiques" (*exhibit* 7). As a result, applicant submitted a new application  
30 to the Educational Service Committee requesting her emplace-ment on Scale B. 10. Such new application was considered by the respondent Committee at their meeting of the 13th November, 1972 (according to Blue 29 of her personal file, *exhibit* 19) and the following record appears in the minutes  
35 of the respondent Committee: "The Educational Service Committee having considered the above application, finds that the applicant satisfies all necessary qualifications provided by the schemes of service for appointment in the post of a teacher on Scale B. 10. Therefore, it resolves to emplace her  
40 as from the 1st November, 1972 on Scale B. 10". And an offer was made to the applicant on the 17th November, 1972 accord-

ingly which was accepted by her. In view of such appointment which satisfied applicant's claim for emplacement on Scale B. 10, her appeal in Recourse No. 405/70 was withdrawn.

It is clear from the decision of the respondent Committee that the academic qualifications of the applicant were considered as satisfying the schemes of service and that the previous bar to her promotion on the ground of lack of qualifications did no longer exist. 5

On the 11th March, 1974 the applicant was promoted to the post of educationalist on Scale B. 12 and on the 19th July, 1977 she was promoted to the post of Assistant Headmistress of secondary schools, a post which she has been holding ever since. 10

In the issue of the official Gazette of the Republic of the 12th May, 1978, No. 143, page 346, an announcement was published under Notification 860 by which applications were invited by interested persons for the post of Inspector 1st Grade for French on the Scale B. 17. The qualifications required for such post were the following: 15

“Πανεπιστημιακὸν δίπλωμα ἢ τίτλος ἢ πτυχίον ἰσοδυνάμου Ἐνωτάτης σχολῆς εἰς τὸ θέμα τῆς εἰδικότητός του παρέχον δικαίωμα κατατάξεως εἰς θέσιν Καθηγητοῦ ἐπὶ κλίμακος Β. 10 βάσει τοῦ οἰκείου Νόμου. 20

Μεταπτυχιακὴ ἐκπαίδευσις εἰς τὸ ἔξωτερικὸν εἰς τὰ παιδαγωγικὰ ἢ εἰς θέμα συναφὲς πρὸς τὰ καθήκοντα τῆς θέσεως διαρκείας ἑνὸς τουλάχιστον ἀκαδημαϊκοῦ ἔτους ἢ ἐν περιπτώσει κατόχου πτυχίου Διδασκαλείου ἢ Παιδαγωγικῆς Ἀκαδημίας διαρκείας ἑνὸς ἀκαδημαϊκοῦ ἔξαμήνου. 25

Εὐδόκιμος ἐκπαιδευτικὴ ὑπηρεσία τουλάχιστον δέκα ἐτῶν.

Ἐνημερότης ἐπὶ τῶν συγχρόνων ἐξειλίξεων εἰς τὸ θέμα τῆς εἰδικότητός του. 30

Καλὴ γνῶσις μιᾶς τουλάχιστον τῶν ἐπικρατεστέρων εὐρωπαϊκῶν γλωσσῶν.

Σημ.: Εἰς περίπτωσιν καθ' ἣν ἐκ τῶν κατὰ τὰ ἄλλα προσοντούχων ὑποψηφίων εἰδικότητος τινος, οὐδεὶς ἔχει τὰ ἀπαιτούμενα ἔτη ἐκπαιδευτικῆς ὑπηρεσίας, δύναται ἐκ τούτων νὰ ἐπιλεγῆ ὑποψήφιος ἔχων τουλάχιστον ἑπτὰ ἔτη τοιαύτης ὑπηρεσίας”. 35

5 (“A University degree or title or a diploma of an equivalent Higher School in relation to the subject of his specialization, entitling him to be emplaced to the post of School-master on scale B. 10 according to the provisions of the relevant Law.

10 Post-graduate studies abroad in Pedagogy or in relation to a subject connected with the duties of the post, for a period of at least one academic year, or in the case of a person possessing a diploma of a Teachers’ Training College or a Pedagogical Academy for a period of one academic six months’ term.

Satisfactory educational service for at least ten years.

To be up-to-date with current developments in relation to the subject of his specialization.

15 Good knowledge of at least one of the principal European languages.

20 Note: In case where, out of the otherwise qualified in a special subject candidates, no one has the required years of educational service, a candidate who has at least seven years of such service may be selected out of them”).

25 The applicant was one of the candidates who submitted such application. On the 16th August, 1978, she received a letter from the Chairman of the Educational Service Committee whereby her application was rejected. Such letter reads as follows:

30 “Αναφερόμενος εις την αίτησιν σας δια διορισμόν εις θέσιν Έπιθεωρητριάς Μέσης Έκπαιδεύσεως 1ης τάξεως (δια Γαλλικά) λυποῦμαι να σας πληροφορήσω ότι η Έπιτροπή Έκπαιδευτικής Υπηρεσίας απέφασισεν ότι δεν δύναται να θεωρήση υμάς υποψηφίαν δια την εν λόγω θέσιν καθ’ ότι τα προσόντα σας δεν καλύπτουν τας προνοίας των σχεδίων υπηρεσίας τας άφορώσας εις ‘Πανεπιστημιακόν δίπλωμα η τίτλον η πτυχίον ισοδυνάμου Άνωτάτης Σχολής εις το θέμα της ειδικότητος . . . ’ και ‘Μεταπτυχιακήν 35 έκπαιδευσιν εις το έξωτερικόν εις τα Παιδαγωγικά η εις θέμα συναφές προς τα καθήκοντα της θέσεως διαρκείας ένός τουλάχιστον άκαδημαϊκού έτους . . . ’”.

(“With reference to your application for appointment

to the post of Inspector of Secondary Education 1st Grade (for French) I regret to inform you that the Educational Service Committee has decided that it cannot consider you as a candidate for the above post because your qualifications do not cover the provisions of the schemes of service regarding 'the university degree or title or diploma of an equivalent Higher School in relation to the subject of your specialization . . . . . ' and 'Post-graduate studies abroad in Pedagogy or in relation to a subject connected with the duties of the post for a period of at least one accademic year . . . . . ' ).

As a result, the applicant filed the present recourse.

The legal grounds on which the recourse is based, are set out in the application as follows:

- (1) By virtue of section 5(1) of Law 10/69, the powers of the Educational Service Committee are defined and are limited in extent. No power is vested in the Committee to decide whether a person can be a candidate for appointment or not. 15
- (2) Under section 25(1)(c) of Law 10/69, the post of Inspector of Secondary Education (as it appears in the respective schemes of service) is a promotion post. 20
- (3) Though the applicant possesses all the necessary qualifications provided by the respective legislation and the schemes of service and also she has a teaching experience of 33 years, nevertheless, it was decided by the respondent Committee, in abuse of powers and under the wrong assumption of facts that the applicant could not be a candidate for the said post. 25
- (4) The person who was appointed in such post does not possess the necessary qualifications according to the schemes of service in respect thereof. 30

Counsel for applicant in arguing his case before the Court submitted that the first question that arises is whether the Educational Service Committee had power to reject the application and not to consider the applicant as a candidate. He submitted that the Committee had no such powers under Law 10/69 or any other law relevant in the case and the regulations. 35

He referred to the powers vested in the respondent under section 5(1) of Law 10/69 and concluded that the Committee had no power to decide whether an applicant is fit to be a candidate or not. Their power, according to counsel's submission, was to consider the applications of all applicants and having in mind their qualifications, their experience or merit and their seniority to decide whom they would appoint to the post. This was not a matter of mere formality but of substance and the Educational Service Committee could not decide that the applicant could not be a candidate for consideration. He summarised the position as follows:

- (a) That the Educational Service Committee had no power to reject the application beforehand, without considering the applicant as a candidate, this being a matter to be raised at the interview whether she possessed the necessary qualifications or not, and
- (b) that applicant had the minimum required qualifications for the post.

He conceded that if he succeeded on either of these grounds and the whole procedure before the Educational Service Committee was found by the Court to be wrong and the decision annulled, it was not necessary for him to argue whether the interested party had better qualifications or not. On the other hand, if he failed in proving the correctness of his argument on the points raised, he need not go further in arguing for or against the interested party. If the decision was that the procedure was wrong, then the whole transaction is wrong and in consequence the appointment has to be annulled. The comparison could arise only in case the Court had to decide that applicant had the minimum requirements entitling her for appointment to the post of Inspector.

Mr. Angelides agreed that if applicant succeeded in her complaint that the Committee had no power to reject the application and that the applicant had the qualifications entitling her to be called for interview and her application was rejected on the wrong assumption that she did not possess these qualifications the decision has to be annulled and a new decision has to be taken on the merits of each candidate including the applicant, against which the applicant could have a recourse if any-

body with lesser qualifications was appointed. In view of such statement counsel for applicant did not proceed to argue the question as to whether the applicant had better qualifications than the interested party.

In addition to the various certificates produced before the Court in which the diplomas of the applicant are included, counsel for applicant produced two certificates that the applicant attended two courses in Peadagogics during the summers of the years 1960–1961 (such certificates are *exhibits* 13 and 14). 5

Counsel for the respondent Committee submitted that the decision of the Educational Service Committee to interview only some of the candidates for the post of Inspector of Secondary Education was legal and in accordance with the established practice and the decisions of this Court. In dealing with the qualifications of the applicant, he referred to a previous recourse of the applicant, *Paraskevopoullou v. The Educational Service Committee* (1971) 3 C.L.R. 426 in which the Court had dealt with the validity of such diploma when applicant was refused emplacement in Scale B.10 He put before the Court the necessary schemes of service of the various posts which have relation with the present case, that is, Post B.6, B.10, B.12, B.13 and B.17, the last of which was the one now under consideration. Post B. 17 is the post of Inspector 1st Grade and Post B. 13 is the post of Assistant Headmaster, a post which at the material time the applicant was holding. He submitted that the diploma of the applicant was acquired by her by attending a course of a total of 12 weeks during two consecutive summers and it was for this reason that her diploma was not considered as sufficient when she was refused emplacement on Scale B. 10. She later by submitting her dissertation, copy of which is *exhibit* 4, before the Court, she was awarded a doctorate, as a result of which the Committee considered that they could, with some hesitation, promote her on Scale B.10. 10  
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She was entitled to emplacement on Scale B.12 and B.13 because such posts were promotion posts and the only requirement was the service for a certain period in the previous post. 35

As far as the present post is concerned which was published in the Cyprus Gazette of the 12th May, 1978 it was not a promotion post but it was open to candidates holding the necessary

qualifications set out in the said Notification. The Educational Service Committee in considering the application of the applicant, found that the applicant did not possess the necessary qualifications for appointment to such post. Therefore, her application was rejected and she was not considered as a candidate for appointment in such post. Counsel further submitted that the diploma of the applicant could not be deemed as a University Diploma entitling her to be considered as a candidate and that in any event she did not have the post-graduate studies required under the schemes of service of the new post. He concluded that the Educational Service Committee having before it the personal file of the applicant, rightly reached the conclusion that she did not possess the necessary qualifications for appointment and rejected her application. He further submitted that the Educational Service Committee had the power to consider the qualifications of a candidate beforehand and reject such application, if satisfied that an applicant did not have such qualifications and, furthermore, that the Educational Service Committee was entitled to interview only some of the candidates and not all of them and in this respect, he referred to a series of decisions of this Court.

In reply, counsel for applicant submitted that the Educational Service Committee is estopped from alleging that the applicant does not possess the necessary qualifications, in view of the fact that after her previous recourse and after she obtained her doctorate she was considered as a proper candidate for promotion on Scale B.10, B.12 and B.13 for which the qualification of a University Diploma is required.

In view of the fact that prayer 3 in this recourse has been abandoned, the only question which poses for consideration is whether the applicant had the necessary qualifications according to the schemes of service as published in the Gazette for appointment in the post of Inspector of Secondary Education for French, and if so, whether the respondent Committee rightly failed to call the applicant for interview.

Before going into the merits of this case, I consider it necessary to refer briefly to some decisions of this Court connected with matters touching the present case. The necessity for a candidate to satisfy the relevant schemes of service, has been stressed in *Papapetrou and The Republic*, 2 R.S.C.C. 61, at pp. 66 and

67. Forsthoff, P. of the then Supreme Constitutional Court, had this to say:

“In the opinion of the Court, therefore, the Public Service Commission, in the absence of any organic law on the subject, is bound by all Schemes of Service relating to posts in the public service of the Republic which have either been expressly or impliedly approved by the Council of Ministers, either specifically or generally, and the Public Service Commission cannot deviate from such approved Schemes of Service and must observe their provisions in discharging its duties under the Constitution”.

The same principle was reiterated in *Petsas and The Republic* 3 R.S.C.C., 60, where at p. 63, it is stated:

“Likewise, in determining whether a certain applicant in fact possesses the relevant qualifications the Commission is given a discretion, and this Court can only examine whether the Commission, on the material before it, could reasonably have come to a particular conclusion”.

In *Constantinidou v. The Republic* (1974) 3 C.L.R. 416 A. Loizou, J. in summarizing the position had this to say at page 418:

“It is a well settled principle of administrative law that a person is entitled to challenge the appointment or promotion of another, if he himself is entitled to be considered for such appointment or promotion. (Vide *Uludag and The Republic*, 3 R.S.C.C. p. 131 at p. 133 and *Philippou and The Republic*, 4 R.S.C.C. p. 139 at pp. 140 and 141 and *Papapetrou and The Republic*, 2 R.S.C.C. p. 61, followed in *Neophytou v. The Republic*, 1964 C.L.R., p. 280 at p. 293). An applicant is so entitled if he is qualified under the relevant scheme of service and in the present case none of the applicants was so qualified at any time relevant to this recourse, as they all lacked experience in deep X-Ray work”.

(Vide *Aristotelous and the Republic* (1969) 3 C.L.R., 232).

The position appears to be the same under the Greek Administrative Law (vide Conclusions from the Jurisprudence of the Greek Council of State (1929–1959) at p. 263, para. B,

where reference is made to a number of decisions to the effect that an officer can have a legitimate interest to dispute the validity of a promotion, only if he possesses the necessary qualifications required for such promotion).

5 On the question of the failure by the Educational Service Committee to call for interview all candidates, there is ample authority that this fact by itself does not involve a wrong exercise of discretion. In *Petsas v. The Republic (supra)* at p. 63, the following is stated:

10 “The mere fact that the Commission did not call the candidates for an interview, does not involve a wrong principle of discretion. In a matter like this, it is not improper for the Commission to base its decision on the application forms and other relevant documents”.

15 The above citation has been adopted in *Paraskevopoulou v. The Republic (supra)*. Vide also *Kypris and The Republic (1976) 3 C.L.R., 396*, *Arsalis v. The Republic (1976) 3 C.L.R. 255*. In *Georghios Efstathiou v. The Republic (1974) 3 C.L.R. 108*, Triantafyllides, P. in dealing with a case where only certain  
20 candidates were called for interview, excluding the applicant, had this to say at page 111:

25 “I am of the view that the course adopted by the Committee as aforesaid, was not inconsistent with section 35 of Law 10/69, and, moreover, that it was reasonably open to it in the circumstances”.

Reverting now to the facts of the present case, the reasons for which the respondent Committee rejected the application of applicant for appointment in the post of Inspector, 1st Grade, for French, as contained in the letter dated the 16th August,  
30 1978 (*exhibit 11*) are that she did not satisfy all the requirements of the schemes of service for such post, in that—(a) she did not possess a University degree or diploma or other equivalent diploma and (b) that she did not have a post-graduate course in paedagogics abroad of the duration of at least one academic  
35 year.

The applicant acquired her diploma in “French Language and Literature (Summer Period) for the Teaching of French abroad” from the University of Sorbonne after having attended

for the purpose of her studies two summer courses as from the 1st July to the 15th August of each year during the years 1960–1961. This appears in a photocopy of the Diploma which was produced as *exhibit 1*.

In October, 1972 she was awarded a Doctorat De L' Univer- 5  
 site De Paris in Etudes Neo-Greques after her dissertation  
 on the subject "Recherches Sur les Traditions Des Fetes Reli-  
 gieuses Populaires De Chypre" which, together with her diploma,  
 was considered on a previous occasion by the Committee as  
 satisfying the requirement of a University degree or other 10  
 equivalent qualification for the purpose of appointing her  
 on Scale B.10 and then promoting her to posts on higher scales  
 reaching that of the Assistant Headmistress in respect of which  
 such qualification was necessary. As to her post-graduate  
 course, applicant produced two certificates that during the same 15  
 period, that is between the 1st July to the 15th August of the  
 years 1960 and 1961, she attended two courses in paedagogics  
 at the University of Sorbonne. According to her counsel, this  
 satisfied the second requirement which the respondent Commit-  
 tee considered as an obstacle for accepting her application. 20

On the question as to whether the applicant satisfied the  
 condition of post-graduate course, the first period of six weeks  
 of the summer of 1960 cannot be considered as a post-graduate  
 course because it was part of her education before having  
 acquired a diploma; as to the second period of six weeks of 25  
 1961, it refers again to a period whilst she was at the same time  
 studying for acquiring her diploma and not after the completion  
 of her studies.

Under the schemes of service a minimum of one academic  
 year post-graduate course in paedagogics was necessary to 30  
 enable a candidate to submit an application. Applicant has  
 not satisfied the Court that she did possess this essential qualifi-  
 cation because even if the certificates concerning her two summer  
 studies in paedagogics had been taken after the acquisition  
 of her diploma the total period of such courses in paedagogics 35  
 was not more than three months, whereas, under the schemes  
 of service a post-graduate course in paedagogics for one acade-  
 mic year was necessary.

On the evidence before me, I am not satisfied that the applicant

did possess the requirement concerning post-graduate course as appearing in the schemes of service and, therefore, the reason given by the respondent Committee in this respect in their letter rejecting the application, was a legitimate one.

5 Having found so, I have come to the conclusion that the applicant was not a candidate satisfying all necessary requirements of the schemes of service and in consequence she has no legitimate interest in pursuing this case.

10 In the light of the above, I am not going to examine whether the first ground given by the respondent Committee is a sound one or whether it is wrong, in view of the fact that they had previously accepted it as satisfying the requirement of a University diploma when appointing her and promoting her to various posts in which this was necessary. Even if the decision of the  
15 respondent Committee in this respect was wrong, that does not annul their decision, once one of the grounds for which they rejected her application, was correct. In this respect, I wish to refer to *Pikis v. The Republic* (1967) 3 C.L.R. 562 where, at p. 576 it is stated (per Triantafyllides, J. as he then  
20 was):

25 “So, even if all of the reasons given in the letter, *exhibit 2*, in support of the *sub judice* decision, were not correct in law, I would still be prepared to find that, in the circumstances, the Respondent Council of Ministers could not have lawfully done otherwise than to turn down Applicant’s request, contained in *exhibit 1*”.

Also, in *Spyrou and others* (No. 1) and *The Republic of Cyprus through the Licensing Authority* (1973) 3 C.L.R., 478, at p. 484 (per Triantafyllides, P.):

30 “It is, however, open to an administrative judge—and I am dealing with these cases in such capacity—to uphold the validity of an administrative decision on the basis of a lawful reasoning therefor even though such reasoning is different from the reasoning given by the administration  
35 for reaching such decision and even if the reasoning given by the administrative decision is legally defective (see, *inter alia*, the decisions of the Greek Council of State in Cases 48/1968, 132/1969, 2134/1969 and 2238/1970)”.

Both these cases are also referred to in the case of *Anthoupolis Ltd. and another v. The Republic* (1980) 3 C.L.R. 296 where, at pages 302 and 303, A. Loizou, J. had this to say:

“His reference, however, to the repatriation of the purchase money, which I take it to be his understanding of the philosophy of the Exchange Control Law, does not affect the validity and legality of the *sub judice* decision which can be upheld on the basis of other lawful reasoning, namely, the mere non-existence of the prescribed by the Exchange Control Law permit and there is ample authority that administrative decisions, valid in Law, for some other reasoning than the one given by their author could be judicially upheld on the basis of other lawful reasoning”.

For all the above reasons, I uphold the validity of the *sub judice* decision of the respondent Committee and I hereby dismiss the recourse but in the circumstances I make no order for costs.

*Application dismissed.  
No order as to costs.*