



GYLA appeals to the Constitutional Court against a Public Official's Performance Appraisal Procedure at the Ministry of Regional Development and Infrastructure

GYLA applied to the Constitutional Court on behalf of a former public official, Matsatso Tepnadze. GYLA appeals to the Constitutional Court against the norms of the Government of Georgia and the Order of the Minister of Regional Development and Infrastructure, which regulates the consideration of the complaint regarding the performance appraisal of an official. The plaintiff appealed against this assessment to the Claims Commission set up by the Regional Development and Infrastructure Minister. Based on a Government Decree and the Minister's Order, the latter is the final administrative appeal mechanism that decides the official's performance

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



appraisal. The Claims Commission upheld the unsatisfactory assessment, which resulted in the plaintiff's dismissal by the minister from the position (for the plaintiff, this was a repeated unsatisfactory assessment).

The plaintiff is an economist by profession. The plaintiff was employed in the Ministry by her own speciality. One of the four Claims Commission members was a sociologist, the second a lawyer, the third a historian, and the fourth a philologist. None of the commission members had an economics education, on which they were making the final decision on the plaintiff's qualifications. Neither the appealed Government Decree nor the Order of the Minister of Regional Development and Infrastructure stipulates that the final appraisers of a public official should have qualifications in the field in which a public servant is evaluated.

According to the first paragraph of Article 18 of the Constitution of Georgia, everyone has the right to a fair hearing of his/her case by an administrative body. It cannot be assessed as a fair hearing when the administrative body's relevant official does not have the qualifications on the issue to be decided. According to the second sentence of the first paragraph of Article 25 of the Constitution of Georgia, the conditions of public service are determined by law. This norm of the Constitution establishes procedural guarantees that protect a public servant/official from unjustified dismissal. According to GYLA, the challenged norms contradict the mentioned constitutional provisions.