

## Introduction

disc!etiona!) autho!it) o# the -dminist!ation to te!minate a !ec!uitment !ocedu!e and/o! to initiate a ne( one #o! sound !easons\* such as on account o# i!!egu%!ities (hich occu!!ed in the !ec!uitment !ocess 4Kinyanjui 20196UN - T69325.

- 30. Bo‰ (ing a !e\$ie ( o# the !eco!d\* the T!i"una% is satis#ied that the decision to cance% the #i!st se‰ction e3e!cise (as (ithin the disc!etiona!) autho!it) o# the -dminist!ation. ;t is "ased on sound !easons\* name%) the undis uted #act that the %cant's su e!\$iso!\* (ho (as a‰o the 8i!ing 7anage! in the #i!st se‰ction e3e!cise\* disc‰sed con#identia%in#o!mation to the %cant in !ega!d to the se‰ction e3e!cise !io! to the com %etion o# the se‰ction !ocess. ;n this !ega!d\* the T!i"una% notes a se!ies o# te3t messages dated 6 7a) 2017\* in (hich the 8i!ing 7anage! in#o!med the %cant that it is unce!tain (hethe! the !ecommendation o# the %cant (i‰"e acce ted ") the 23ecuti\$e Di!ecto! due to gende! conside!ations\* "ut that she (ou%d ad\$ocate on his "eha%. , n 18 7a) 2017\* "e#o!e the 9enio! /e\$ie( : !ou had su"mitted its !ecommendation to the 23ecuti\$e Di!ecto! on 22 7a) 2017\* the %cant indicated in an emai%to the 8i!ing 7ange! that he had "een !ecommended #o! the D61 1ost. 8e #u!the! stated in the emai%that he "e‰e\$ed his candidac) (ou%d not "e a !o\$ed") the 23ecuti\$e Di!ecto!.
- 31. The T!i"una% #inds that the a"o\$e6noted e3changes !e !esent a "!each o# con#identia%t) in the !ec!uitment !ocess. -s a !esu%t\* it (as a !easona"%e e3e!cise o# disc!etion #o! the 23ecuti\$e Di!ecto! to cance% the se%ection e3e!cise and initiate a #!esh !ec!uitment !ocess once she (as in#o!med o# the "!each o# con#identia%t).
- 32. hi% the e\$idence sho(s that the 23ecuti\$e Di!ecto! decided to cance%the se%ction e3e!cise on the g!ounds o# "!each o# con#identia%t)\* the %cant c%aims