

EMPLOYMENT RELATIONS TRIBUNAL

AWARD

ERT/RN 180/2020

Before: -

Shameer Janhangeer

Vice-President

Francis Supparayen

Member

Rabin Gungoo

Member

Arassen Kallee

Member

In the matter of: -

Mr Nizamuddin PEERALLY

Disputant

and

**The STATE OF MAURITIUS, as represented by
The Ministry of Education, Tertiary Education, Science and Technology**

Respondent

The present matter has been referred to the Tribunal for arbitration by the Commission for Conciliation and Mediation (“CCM”) as per *section 69 (9)(b)* of the *Employment Relations Act*. The Terms of Reference of the dispute read as follows:

Whether Mr. Peerally should be allowed to proceed beyond the QB in the salary scale of the post of Education Officer (Pre-Vocational).

Both parties were assisted by Counsel. Mr P. Bacorisen appeared for the Disputant, whereas Ms M. Bhogun, Principal State Counsel, appeared for the Respondent instructed by Mrs

B.G. Oogorah, Senior State Attorney. Both parties have submitted their respective Statement of Case in the matter.

THE DISPUTANT'S STATEMENT OF CASE

The Disputant has notably averred that he is employed as Educator (Secondary) for Pre-Vocational, being appointed as same on 24 January 2014 after having been awarded a Teacher's Diploma Pre-Vocational from the Mauritius Institute of Education ("MIE"). In July 2018, he was awarded a BSc (Hons) Educational and Instructional Technologies from the University of Mauritius (the "University"). Consequently, he made a request on 8 October 2018 for an adjustment of salary to cross the Qualification Bar ("QB"). This was rejected on 30 January 2019 and he reported a labour dispute to the CCM on 13 September 2019. A stage of deadlock was reached at the level of the CCM. A letter from the CCM sets the stand of the Respondent *inter alia* to the effect that the Disputant's BSc degree is not in the field of Pre-Vocational Education or in a subject taught to students in the Extended Programme; and Educators (Secondary) (Pre-Vocational) have been allowed to cross QB on obtaining a degree in any one of the subjects taught by them at school. As no agreement was reached, the matter has been referred to the Tribunal.

By virtue of the Public Service Commission ("PSC") Circular Note No. 19 of 2013, under the caption '*Note*', it is stipulated under point 2. that '*Officers possessing the Diploma in Pre-Vocational Education will be allowed to proceed beyond QB in the salary scale on obtention of a degree in the relevant field*'. It has also been averred that the Disputant should be allowed to proceed beyond QB in the salary scale as his BSc degree is in the relevant field for the following reasons:

- i. The MIE has narrowly contrasted obtaining a degree in the relevant field as meaning a degree in a subject taught to students in the Extended Programme and ought to have given a wider and more holistic meaning. There is no mention that the degree in the relevant field must be exclusively in one of the subjects taught.
- ii. His BSc degree is strikingly and squarely relevant to the Pre-Vocational field as the context and objectives, learning outcomes and competencies equipped are apposite and most relevant in the proper discharge of his duties as Educator.

- iii. The skills taught in his degree are directly related to the multiple duties of an Education (Secondary) (Pre-Vocational).
- iv. The course context and objectives of his degree provide that it is an accelerated route to earning an innovative degree in Education and Technology, commonly referred as 21st Century Education and Practices. Participants learn to design effective curriculum using existing learning theories and is very relevant to his work as Educator.
- v. He disputes that the MIE informed the Ministry that the degree held by him does not contain any module specific to the pedagogies needed for Pre-Vocational Learners inasmuch as it is abundantly clear in the learning outcomes that learners engage in planning and designing high quality instructional materials with innovative pedagogical design framework and graduates should be equipped with knowledge and skills in different teaching pedagogies and technologies.
- vi. In view of the COVID-19 pandemic and amendments made to the *Education Act*, he has achieved knowledge and skills in ICT Integration, in science education, webinar in language education, technology leadership and management in order to advance learning and dissemination of knowledge in an even more uncertain future.
- vii. There is no actual degree tailor made for Pre-Vocational Education and his degree is a top-up programme targeting Educators holders of a Certificate/Diploma in Education.
- viii. He was advised by officers in the Human Resource Division that he could study for the BSc degree as there was no specific degree for Pre-Vocational and that the relevant field must be specific to Education and not any other field.
- ix. The Educator (Secondary) (Pre-Vocational) intake in 2014 required a degree from a recognised institution as one of the entry qualifications by virtue of PSC Circular Note No. 9 of 2014. There is no specific mention, for the later batch, as to how the QB is to be crossed as a degree was required as entry qualification.

The Disputant is therefore praying that the Tribunal enquires into the dispute and allows him to cross the QB; that payment be effected with retroactive effect as from the date of application to cross the QB and/or date of entitlement to cross the QB; that necessary

adjustments be effected to his salary and records; and any other award that does justice to the present matter.

THE RESPONDENT'S AMENDED STATEMENT OF REPLY

The Respondent has notably averred that the Disputant was appointed as Educator (Secondary) (Pre-Vocational) on 24 January 2014, whereby a selection was made among Teachers (Secondary) (Pre-Vocational) having successfully completed the Diploma in Pre-Vocational Education at the MIE. The Disputant's request to cross the QB was rejected by letter dated 30 January 2019 and the Ministry of Education, Tertiary Education, Science and Technology (the "Ministry") was informed of the dispute on 23 September 2019. Point 2. under the caption 'Note' of PSC Circular Note No. 19 of 2013 is admitted.

The Respondent has notably averred that the Disputant cannot be allowed to cross the QB inasmuch as his BSc degree was not in the field of Pre-Vocational Education or in a subject taught to students in the Extended Programme; the MIE informed the Respondent that the BSc in Educational and Instructional Technologies degree did not contain any module specific to pedagogies needed with these type of learners; and Educators (Secondary) (Pre-Vocational) have been allowed to cross the QB only when they obtained a degree in any one of the subjects taught by them.

It has also been averred that as per the context and objectives of the BSc (Hons) Educational and Instructional Technologies, the course has been mounted to teach participants how to design effective curriculum, whereas the Disputant does not design curriculums in his daily activities; and the aforesaid degree is more relevant and suitable to curriculum designers and not Educators (Pre-Vocational). It is the sole responsibility of the MIE to design effective curriculum, amongst others, for the extended stream and not that of an Educator (Pre-Vocational). Although there is no tailored degree specifically for Educators (Pre-Vocational), any relevant course with modules like Teaching Slow Learners/Remedial Educations, Strategies/Methodologies of Teaching, Child Psychology, among others, should add value to the capacity of Educators to make use of skills, competency acquired to improve daily teaching activities.

THE EVIDENCE OF WITNESSES

The Disputant, Mr Nizamuddin Peerally, adduced evidence in the present matter. He notably produced his letter of appointment as Instructor at the former IVTB dated 3 February 1992 (Document A); his offer of appointment as Teacher dated 25 February 1999 (Document B); his letter of appointment as Teacher (Secondary Pre-Vocational) dated 29 July 2009 (Document C); a copy of his Teacher's Diploma Pre-Vocational (Document D) awarded by the MIE on 28 December 2012; his letter of appointment as Educator (Secondary) (Pre-Vocational) dated 16 December 2013 (Document E); a copy of his BSc degree in Educational and Instructional Technologies from the University (Document F) awarded on 4 July 2018; and a sheet headed '*University of Mauritius*' detailing his overall performance in the aforesaid degree (Document G).

Referring to Document G, Mr Peerally stated that all the modules concern education. The Instructional Design module is to design curriculum to implement in classrooms for students; the Intellectual Property and Copyright in Educational Processes module is to have all the rules and regulations for using Information Technology ("IT"); the Foundation for Educational and Instructional Technologies module is for design of curriculum; the Design and Development of Educational Websites module is meant to design and implement new ways of technology for distance and online teaching; the Webinar in Language Education module is for design of online teaching; the ICT Integration in Science Education module is for use of technology in science; the Educational Technology module is the project that he undertook for the degree and is a school based project implemented for Pre-Vocational class consisting of 9 units; the Open Resources and Technologies module uses internet to implement online teaching.

Mr Peerally made a request to adjust his salary by letter dated 8 October 2018 (produced as Document H) addressed to the Director, Zone One, of the Respondent Ministry. The request was rejected by letter dated 30 January 2019 (produced as Document I). He read out the second and third paragraphs of the aforesaid letter. He was not given any reason why his degree was not deemed to be in the relevant field. He thereafter reported a dispute to the President of the CCM. On 9 November 2020, after several sessions, he was communicated with a decision by the CCM of the same date (produced as Document J), whereby the Respondent Ministry had informed the Commission why he was not allowed to cross the QB as per paragraph 2 (i) to (iii) of the letter.

Regarding (i), Mr Peerally stated that he teaches all 12 subjects in the Pre-Vocational field and he cannot have a degree with a specific subject with a Pre-Vocational Diploma. His degree is of use to any subject in the Pre-Vocational field and is not specific to any one subject. The degree relates mostly to online teaching, using new technologies in class with students. The degree teaches how to use these tools to teach Pre-Vocational students. All the skills he has acquired is useful for teaching in Pre-Vocational. The degree is useful for any subject as one needs to use new technologies to teach a subject. The Ministry, together with the MIE, has implemented a new classroom 'Class 21' in Port Louis North SSS, which is equipped with a projector, laptop and digital tablets to teach students.

Mr Peerally further referred to PSC Circular Note No. 19 of 2013 (produced as Document K), which lists the duties of an Educator (Secondary) (Pre-Vocational). He referred to the second, seventh, tenth and twelfth duties listed therein. The Disputant also referred to the second note of this document. Mr Peerally explained that Annex L of his Statement of Case lists the contents and learning outcomes of his BSc degree. The degree allows teaching of new trends and development using technology, i.e. 21st Century Learning. The programme teaches use of new technology as students are now computer literate. It is for Diplomas in Pre-Vocational; the MIE does not provide any tailor made degree for Pre-Vocational. The University has programmed this degree for those, as himself, possessing a diploma, as a top-up programme to achieve a degree.

Referring to the '*Learning Outcomes*' listed in Annex L of his Statement of Case, Mr Peerally stated that all the objectives and outcomes are related to the Scheme of Service of an Educator. Regarding the first learning outcome, it does not mean that they have to develop curriculum; they simply take the existing curriculums, develop and adapt it for Pre-Vocational. As for the second outcome, they can produce and develop curriculum and do it online as the work done on a board in class is not the same. The third outcome refers to use of new trend, learn to make use of new technology. The fifth outcome means that one can use all resources available from the internet to improve his teaching. The seventh outcome relates to new challenges, new technologies to enable development of the student. The eighth outcome means to use new technology in class and online at the same time. The degree course has allowed him to receive knowledge of skill, which is useful for different teaching pedagogies and technologies; and gives him value addition to his education, himself and to develop new trends in education.

Mr Peerally also stated that in Pre-Vocational, there is no specific subject which they teach. They teach more or less 12 subjects and do not teach a specific subject. With the Pre-

Vocational Diploma, there is no degree to study; and he is not a specialist teacher. The degree is specific to Pre-Vocational, not for one subject. It is not specified as '*relevant subject*'. All the modules of his degree are relevant to teach the students. Referring to a PSC Circular Note No. 9 of 2014 (produced as Document M), which applied to the batch of Educators of 2014, the entry requirement is any recognised degree. Crossing the QB would therefore be automatic. He is asking the Tribunal to enquire into the dispute and to allow him to cross the QB.

Upon questions from Counsel for the Respondent, Mr Peerally notably stated that for Pre-Vocational Education he teaches in 12 subjects such as English, French, Mathematics, Science, Agriculture, Design and Tech, Computer, Physical Education, Music and Art. He agreed that not all degrees would be in the relevant field. His BSc degree is not really to design curriculum; the curriculum already exists and it must be redesigned for Pre-Vocational students. He did not study the degree to design curriculum; by using new technology, the curriculum is redesigned and can be adopted. He did not agree that the main objective of the degree is to design curriculum and that it would have helped him if he were a designer. He did not agree that the IT aspect of the degree is not applicable to teach at school as Educators now need to have a degree to teach with the *Covid Act*. He agreed that it is the MIE which designs curriculums. He does not design curriculum in his work. He did not agree that his degree is not relevant.

Mr Peerally further agreed that the students who follow the programme are slow learners. He did not agree that his degree is not meant to teach in any subject, not helpful to the students in any subject and that it is just a tool. He gave the example of the 21st Century Classroom, which is equipped with the latest technology where Pre-Vocational Students follow better and interact. When working on the board with the design and curriculum available, the students are not interested in class but when taken to the 21st Century Classroom, there are no problems with discipline and the new system interests them, it is interactive. He did not agree that the degree did not contain any pedagogy for what Pre-Vocational students require. With the degree, he teaches at an advanced level and uses new technology to do the same work. He did not agree that the degree is not for a subject that he teaches and that is why it is not recognised as being a relevant degree.

Dr Mohammad Issack Santally, Pro-Vice Chancellor at the University, was called to adduce evidence on behalf of the Disputant. In 2019, he was the Officer-in-Charge of the Centre which runs the BSc (Hons) Educational and Instructional Technologies course at the University. He also led the team of academics who mounted the course and was Chairperson of the Academic Board.

There was present *inter alia* a person from the Ministry of Education on the Advisory Board of the course. He identified Annex L of the Disputant's Statement of Case as a document put on the E-Learning Platform when the course is delivered to students. With the Government's strategy to introduce ICT in the school curriculum and in teaching, a MSc in Computer Mediated Communications and Pedagogies was launched in 2004. There were many requests from Primary School teachers to join the MSc, but were not qualified to join the programme. They were requested to look into the possibility to have a programme that bridges the gap between the Teaching Certificate to the MSc. They eventually mounted the BSc course as a top-up programme, which would recognise the MIE Diploma to be equivalent to 63 credits and the top-up programme would amount to 42 credits to match the 100 credits required for a degree award. This provided teachers with an accelerated path to a degree and to open the doors to the MSc programme as well as allowing them to align with Government strategies. The course was mounted to make teachers better teachers in the 21st Century.

Dr Santally also elaborated that at the level of the Advisory Committee, the question was raised that many Educators are subject specialists, but in Primary School, they were not so and had to teach different subjects. Their aim was not to make someone a subject specialist but to get them to be better teachers in any area they would teach. The same would apply to someone from the Secondary Sector or in Pre-Vocational. They would have to apply their teaching and their assignments would have to be done in the context of their teaching and learning at school. Someone in Pre-Vocational can use the techniques and pedagogies of the BSc programme to help students who are having problems to understand in a normal way, e.g. by making use of animations to explain better. Voice-over could be used to help students understand better. It is therefore relevant to a Teacher teaching Pre-Vocational in terms teaching competencies.

Dr Santally also referred to the competency of '*acquire Knowledge and skills in different teaching pedagogies and technologies*' of the BSc programme and stated that it concerns student centred pedagogies and not teacher centred teaching approaches. It would be in the relevant field if Pre-Vocational is an educational field just like primary education is a subset of the educational field; but if argued that Pre-Vocational is a subject like English or French, then it would not be in the relevant field. At the University, there is no tailor-made degree for Pre-Vocational as they assume that when the Educators were trained at the MIE, they have the basic pedagogy to become a qualified teacher. Their role was to put that layer to improve them as teachers. He described Annex L of the Disputant's Statement of Case (produced as Document N) as emanating from the E-Learning Platform; each module has a module information sheet giving

details of the module and a general overview of the course is given on the platform. He confirmed as to the veracity of the document.

Dr Santally was questioned by Counsel for the Respondent. He notably stated that the aim of the BSc degree is to make better teachers not subject specialists. The techniques of teaching can be used to apply in teaching any subject. The aim of the course was to improve teaching and it cannot be used to teach a subject. The degree cannot be used to teach students in a subject related to the degree. It can be used to become a better teacher to teach the subjects taught. He stated that it is relevant if Pre-Vocational is an educational field, not if Pre-Vocational were a subject like English or French.

Dr Santally further replied that a tool is the software or the hardware; he is talking about the pedagogies which can be used to teach the students, but which are technology enabled at first hand. The course helps to design learning resources relevant to the subject taught and can improve the learning outcomes of the students. One needs to look at the content and structure of the course. The course is a Bachelor of Science but in Educational and Instructional Technologies; education is education and Instructional Technologies is about instruction, teaching and learning.

Mr Ravichand Goburdhun, Administrator in Education, deposed on behalf of the Respondent. He solemnly affirmed as the correctness of the Amended Statement of Reply dated 4 March 2021. The request of Mr Peerally to cross the QB, made on 8 October 2018, was not acceded to. In order to cross the QB, he must do a degree which is relevant to the field in which he is going to teach. Pre-Vocational Education has now become the Extended Programme; students learn subjects like English, French Mathematics, Science, ICT, Food and Technology and in order to teach these students, one must have a degree in either of those subjects. The BSc in Educational and Instructional Technologies does not fall within the category of relevant field to cross the QB. Advice was sought from the MIE, who stated that module of the degree does not cover any subjects of the Extended Programme. The MIE was asked of their opinion as they mounted the course for Pre-Vocational.

Upon questioning by the Disputant's Counsel, Mr Goburdhun notably stated that the Ministry of Education did not make an opinion of their own in the matter, that is why advice was

sought from the MIE. It should be relevant to the subject being taught. Field is very vast; the Disputant has to teach a subject. The degree is not relevant to a subject he would be teaching.

Mr Omraj Saraye, Registrar at the MIE, was also called to depone on behalf of the Respondent. He referred to the objects of the MIE as per the *Mauritius Institute of Education Act* of 1973. The MIE is the enhanced provider of teacher education at all levels. It is the only institution, as per its *Act* and objectives, to validate degrees, Diploma and certificates related to teacher education. The case of Mr Peerally was referred to Professor Dr Vassen Naeck, who was previously responsible for curriculum development, textbook writing and evaluation, and to Dr Avinash Ojorah, the Head of Centre of Open Distance of the MIE. They were informed that recognition is based on the subject taught at secondary school. Instructional Design is not taught at secondary school and does not enable an incumbent to teach a specific subject. The degree is not in the relevant field because of Instructional Design; it is mainly for the job of Instructional Designer. Modules of the degree like ICT, webinar, design of the degree are made of deliveries and it is not a subject matter specialist.

Mr Saraye further stated that Instructional Designers have been recruited at the MIE with a degree in Instructional Design or Education Technology; they design various type of visual communications, devise appropriate methods for converting face-to-face sessions into E-Learning contents and issue a proper storage of visual teaching materials to give pedagogical help in the preparation of teaching aids. He produced a certified copy of the scheme of duties for the post of Instructional Designer at the MIE (Document O). The degree will not allow a teacher to teach in the Secondary, Pre-Vocational or Extended Programme. The degree in the Pre-Vocational field is that of Bachelor in Education Secondary, which was offered by the MIE in January 2020 and July 2021. Had Mr Peerally done this course, he would have recommended that the QB be crossed.

Mr Saraye was questioned by Counsel for the Disputant. He notably stated that the MIE received a letter dated 23 November 2018 (produced as Document P) whereby its views were sought to confirm whether the degree is relevant to the teaching of Pre-Vocational Education and extended stream students. The MIE gave a reply on 26 November 2018 with a footnote (produced as Document Q). As per the reply, modules seem related. He agreed that a conclusion could not be reached because of lack of information in relation to other modules. He did not agree that there was nothing conclusive about the modules not being relevant as their Lecturers are professionals in the field, are well versed in the contents of the modules of different

universities and can easily conclude whether it is relevant or not. Two modules seem to be relevant but the others are not really relevant. He agreed to what is stated in the reply. It would have been fair to carry a full exercise and look for further information and he agreed that this was not done.

Mr Saraye further replied that whether the words used is '*relevant subject*' or not, the conclusion is the same. He agreed that '*relevant field*' has been read as '*relevant subject*' by the MIE as a matter of logic. He was not involved in the exercise of determining whether the degree is relevant or not and based himself on evidence from the file. He did not agree that the degree is in the relevant field. He did not agree that '*relevant field*' is wider than '*relevant subject*'. He agreed that the University was not contacted in light of the footnote in the reply. He did not agree that learning outcomes of the BSc degree are very relevant to the Disputant's Scheme of Service. The course content is different to the MIE's B.Ed. programme.

Upon re-examination from Counsel for the Respondent, Mr Saraye notably stated that the MIE does not need to seek the advice of the University, as it is the sole organisation within the region responsible for teacher education and pedagogy. The Ministry first sought advice from them in April 2019. He produced a letter dated 14 January 2020 from the Ministry (Document R) and the reply of the MIE dated 27 January 2020 (Document S) referring to the conclusions therein. Mr Saraye, upon questions from Counsel for the Disputant with leave of the Tribunal, agreed that in the second reply, no modules are relevant.

THE SUBMISSIONS OF COUNSEL

Mr Bacorisen, who appeared for the Disputant, notably submitted that Dr Santally's evidence shows that the degree is very relevant to the field of education. Documents have been produced that attest the close connection between the Scheme of Service and the learning outcome of the programme. The terminology '*relevant subject*' from the Scheme of Service is used as a matter of practice. If the Scheme intended the degree to be in the relevant subject taught, the word '*subject*', rather than '*field*', should have been used. The Disputant's Diploma is an entry requirement for the degree, which is a top-up and not a standalone programme. It is annexed to the Diploma and is therefore a career pathway. This is also why '*relevant field*' cannot be read to mean '*relevant subject*'.

Mr Bacorisen, moreover, submitted that the reply of the MIE was never conclusive, stating that two modules appeared to be relevant and that further information was required for the rest. The MIE ought to have requested for further information in relation to those modules or say that it was relevant. The Ministry took it upon itself in stating that the degree is not in the relevant field, when the MIE's reply never stated so. The Disputant therefore has a case, which would allow him to cross the QB.

On the other hand, Ms Bhogun, Principal State Counsel appearing for the Respondent, notably submitted that the only bone of contention in this matter is the interpretation of the words '*relevant field*', which would be a degree having a direct bearing on what can be taught in the extended programme. The Disputant's degree is not in Pre-Vocational. She is basing herself on the conclusions of the MIE, which is the sole authority when it comes to Teacher's education. Their conclusion is adamant that the degree is not in the relevant field. Two requests were made to the MIE following Mr Peerally's request for a salary adjustment in 8 October 2018. There are two distinct sets of advice sent on the relevance of Mr Peerally's degree. However, both conclusions were the same and the degree is, unfortunately, not relevant.

THE MERITS OF THE DISPUTE

The Terms of Reference of the present dispute is asking the Tribunal to enquire into whether the Disputant should be allowed to proceed beyond the QB in the salary scale of Education Officer (Pre-Vocational).

Mr Peerally was appointed as a Teacher (Pre-Vocational) by the PSC at the Ministry of Education, Culture and Human Resources on 29 July 2009. He received his Teacher's Diploma Pre-Vocational from the MIE on 28 December 2012 and was thereafter appointed as Educator (Secondary) (Pre-Vocational).

His appointment to the post of Educator (Secondary) (Pre-Vocational) was by way of letter dated 16 December 2013 from the Ministry. The salary scale attached to the aforesaid post, which is also set out in the letter, includes a QB, as follows:

*Rs 17,675 x 450 – 19,475 x 600 – 20,675 x 750 – 29,675 x 900 – 34,175 x 1,200 – 36,575
QB 37,775 x 1,500 – 52,775 a month.*

The vacancy for the post of Educator (Secondary) (Pre-Vocational) (*vide* PSC Circular Note No. 19 of 2013), wherein applications were invited from qualified Teachers (Secondary Pre-Vocational) of the Ministry for appointment to the post of Educator (Secondary) (Pre-Vocational), notably states:

NOTE

...

2. *Officers possessing the Diploma in Pre-Vocational Education will be allowed to proceed beyond the QB in the salary scale on obtention of a degree in the relevant field.*

Mr Peerally, having been holder of the aforementioned Diploma, proceeded to study for a BSc degree in Educational and Instructional Technologies from the University. He obtained same on 4 July 2018. On 8 October 2018, he wrote to the Director, Zone One, requesting for an adjustment to his salary on the ground that he obtained his degree. On 30 January 2019, the Director replied to Mr Peerally's letter. The contents of this letter may be read as follows:

Request for adjustment of salary

Please refer to your letter dated 08 October 2018 on the above subject.

2. *I am directed to inform you that according to Note 3 of the Scheme of Service for the post of Education Officer (Pre-Vocational), officers possessing the Diploma in Pre-Vocational Education will be allowed to proceed beyond the QB in the salary scale on the obtention of a degree in the **relevant field**.*

3. *Since the Degree of Bachelor of Science in Educational and Instructional Technologies obtained by you does not pertain to the relevant field, you are not qualified to cross the QB.*

Upon the refusal of the Ministry, Mr Peerally proceeded to report a labour dispute before the CCM. This dispute has now been referred to the Tribunal for arbitration at his request. The matter the Tribunal has to decide upon in determining whether Mr Peerally should be allowed to proceed beyond the QB is whether the degree obtained by him is a degree in the relevant field.

The hearing of the present matter has notably revealed that the Ministry did not deem the Disputant's degree to be within the category of the relevant field to cross the QB. The MIE were asked of their opinion to this effect as they mounted the Pre-Vocational course. Mr Goburdhun, who deponed on behalf of the Respondent, notably stated that the Ministry did not make an opinion of its own and that is why advice was sought from the MIE.

The witness from the MIE, Mr Saraye, enlightened the Tribunal as to a request made by the Ministry on 23 November 2018 on whether the aforesaid degree is relevant in the teaching of Pre-Vocational Education and extended stream students. The reply of the MIE dated 26 November 2018 is scribbled on a copy of the transcript of the BSc degree and reads as follows:

Based on the transcript above, only 2 modules (ILT 3000 and ILT 3110) seem related to the teaching of PVE and extended programme. Note that there are not enough details about the modules to conclude about the relevance of the modules.

It would be pertinent to note that the MIE's reply is not in any manner conclusive on whether the BSc degree in Educational and Instructional Technologies is in the relevant field. It was also borne out that no clarifications were sought by the MIE regarding details of the modules to assess their relevance. Despite the MIE's uncertainty in the matter, the Ministry wrote to the Disputant on 30 January 2019, as noted above, informing him that he is not qualified to cross the QB. The present dispute was thereafter reported to the CCM on 13 September 2019.

The hearing has also revealed that another request, by letter dated 14 January 2020, was made by the Ministry to the MIE regarding the relevance of the Disputant's BSc degree in the teaching of Pre-Vocational Education and extended stream students. The MIE thereafter replied, on 27 January 2020, that the '*course does not contain any module specific to the pedagogies needed with these types of learners*'; and that there is '*no content specific to the Extended Curriculum*'.

The dispute was reported following the Ministry's letter dated 30 January 2019. Although the Disputant was then informed that his BSc degree does not pertain to the relevant field and that he is not qualified to cross the QB despite the inconclusive views of the MIE (as per the reply dated 26 November 2018), the stand of the Respondent regarding the relevance of the degree would still be unfavourable as per the subsequent reply from the MIE dated 27 January 2020. It should also be noted that the present Terms of Reference of the dispute is not asking the Tribunal to find whether the Ministry's decision was unreasonable or not.

Moreover, as per the submissions of both parties, the matter for the Tribunal to decide upon is the interpretation of the words '*relevant field*'. The Disputant, in his evidence, has broadly elaborated on how the modules of the BSc degree in Educational and Instructional Technologies are relevant to this work as an Educator (Secondary) (Pre-Vocational) at the secondary school he teaches. He teaches 12 subjects at Pre-Vocational level and cannot have a degree in a specific subject with a Pre-Vocational Diploma. The degree relates mostly to online teaching, making use of new technologies with students. He also referred to the Learning Outcomes of the BSc programme and how it is relevant to his work as an Educator in Pre-Vocational. He did however admit that he is not involved in curriculum development in his work.

Dr Santally, Pro-Vice Chancellor at the University, adduced evidence on behalf of the Disputant. He explained that the aforesaid degree was mounted as top-up programme recognising the MIE Diploma towards the award of the degree. The course was mounted to make teachers better in the 21st century. The techniques and pedagogies of the BSc programme could help Pre-Vocational students to understand in a normal way. He notably stated that the degree would be in the relevant field if Pre-Vocational is an educational field; but if it were a subject, as English or French, then it would not be in the relevant field. The role of the University was to put that layer to improve them as teachers. The aim of the course was to improve teaching and it cannot be used to teach a subject.

On the other hand, the Respondent's representative notably stated that the degree must be relevant to the subject being taught and that the Disputant's degree is not relevant to a subject he teaches. Advice was sought by the Ministry from the MIE. The witness from the MIE, Mr Saraye, notably stated that the degree is not in the relevant field because of Instructional Design, which is not taught at secondary school and it does not enable an incumbent to teach a particular

subject. According to him, the degree does not allow a teacher to teach in Pre-Vocational or the Extended Programme. The MIE offered a Bachelor in Education Secondary in January 2020 and July 2021, which is meant for Pre-Vocational. He also recognised that the words '*relevant field*' have been read to mean '*relevant subject*' by the MIE.

As has been previously noted, the Disputant can only be allowed to cross the QB in the salary scale of Educator (Secondary) (Pre-Vocational) on '*obtention of a degree in the relevant field*'. As per the Ministry's letter to the MIE dated 23 November 2018, the MIE was asked to confirm whether the BSc degree is '*relevant in the teaching of P.V.E and extended stream students*'. Thus, from this analogy, the Ministry has interpreted '*relevant field*' to mean '*relevant in the teaching of P.V.E and extended stream students*'.

The words '*degree in the relevant field*' have been used in the vacancy as well as in the Scheme of Service for the post of Educator (Secondary) (Pre-Vocational). However, these words must be put in the proper context of the post concerned and cannot be taken to be read alone. The words '*relevant field*' should therefore pertain to the domain of Pre-Vocational Education, which is what is being taught by the Disputant at secondary school level as an Educator and forms part of his duties as per the PSC Circular Note No. 19 of 2013.

Can the BSc degree be said to be relevant to the teaching of Pre-Vocational Education? Although the Disputant has lengthily deposed as to the relevance of the degree he obtained, it should be noted that he did recognise that he does not develop curriculum in his work and that this is done by the MIE. It should be noted that curriculum design is one of the main objects of the degree. Dr Santally, on his part, emphasised that the degree is to improve teaching. He also recognised that it would not be relevant if Pre-Vocational is treated as any other subject.

The Student's Overall Performance sheet, as produced by the Disputant, of the BSc degree in Educational and Instructional Technologies shows that Mr Peerally studied modules of Instructional Design; Intellectual Property and Copyright in Educational Processes; Foundations of Educational and Instructional Technologies; Design and Development of Educational Websites; Webinar in Language Education; Technology Leadership and Management; ICT Integration in Science Education; Educational Technology Project; and Open-Educational Resources and Technologies.

These modules, as listed, do not specifically pertain to the field of Pre-Vocational Education nor do they make any mention of same, although they may be used to improve teaching for Pre-Vocational students as Mr Peerally has expounded upon. Moreover, as Dr Santally emphasised, the degree is to make one a better teacher. This however does not necessarily apply specifically to an Educator in Pre-Vocational and can also apply to the teaching of other students.

A perusal of the Learning Outcomes of the BSc degree does not also make any mention of Pre-Vocational Education. Moreover, the Context and Objectives of the degree, as per the document, may be noted as follows:

This top-up programme targets Educators who are holders of a Certificate/Diploma in Education and provides them with an accelerated route to earning an innovative degree in Education and Technology, commonly referred now as 21st Century Education and Practices. Participants learn how to design effective curriculum using existing learning theories and contemporary.

The caption further demonstrates that the degree is not exclusively meant for holders of the Teacher's Diploma Pre-Vocational, as is the Disputant, and is open to other Educators with a Certificate/Diploma in Education. It may also be noted, from the competencies meant to be acquired, that the graduate of the BSc degree will '*acquire Knowledge and skills in different teaching pedagogies and technologies*'. It is therefore clear the degree is not geared specifically towards Pre-Vocational Education and also applied to other teaching pedagogies.

The Respondent's witness from the MIE has maintained that the degree is not relevant and that Mr Peerally should have followed the Bachelor in Education, which is meant for Pre-Vocational, offered by them. It must be noted that the MIE offered this course in 2020 and 2021, whereas the Disputant obtained his BSc degree in July 2018. However, with the availability of a degree course specific to Pre-Vocational, the Disputant cannot complain that the MIE does not provide any tailor made degree in his domain.

It has also been emphasised by the Disputant that the degree is a top-up programme for those possessing a Diploma. It should be noted that this has not been disputed by the

Respondent, who, as per its letters dated 23 November 2018 and 14 January 2020, did state that the degree *'is a part time top up programme run by the University of Mauritius'*.

In view of the above, the Tribunal cannot therefore come to the conclusion that the Disputant's BSc degree in Educational and Instructional Technologies is in the *'relevant field'* of Pre-Vocational Education. The Tribunal cannot therefore award that the Disputant should be allowed to proceed beyond the QB in the salary scale for the post of Educator (Secondary) (Pre-Vocational).

The dispute is therefore set aside.

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SD Shameer Janhangeer
(Vice-President)

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SD Francis Supparayen
(Member)

.....
SD Rabin Gungoo
(Member)

.....
SD Arassen Kallee
(Member)

Date: 28th October 2021