

The respondents found that the interested party possesses the prescribed for the post qualifications, though the last word of the sub judge decision describes him as architect

- 5 It is evident that the respondents did not carry out any, or sufficient inquiry. Had they done so, they could very easily find out that the interested party was not an eligible candidate for the post they advertised and to which they ultimately appointed him. He is registered as architect and clearly this was done under section 7(1) of the Law and not 7(2)
- 10 It is noteworthy that the respondents in their address did not contend that the interested party possesses the required qualifications of civil engineering, but they said that the required qualifications are those prescribed by Section 7(2)(a), (b) and (c) of the Law. It was said further that the employment of civil engineer
- 15 and architect is interchangeable. The respondents failed to construe the scheme of service. If, however, they did interpret the scheme of service as including architects, this could not be reasonably open to them having regard to the wording of the advertisement. If, however, they did interpret the scheme of
- 20 service, as set out in the advertisement of the post, as meaning the qualifications prescribed by Section 7(2)(a), (b) and (c) of the Registration of Architects and the Civil Engineers Law, which refers to civil engineers and not to architects, but they failed to inquire into the qualifications of the interested party, then, again,
- 25 their sub judge decision is faulty and cannot survive judicial scrutiny

On any view of the matter the challenged act is indefensible

- It has been held in a long series of judgments of this Court that decisions of administrative organs have to be duly reasoned and
- 30 that the absence of due reasoning is by itself a ground for invalidating a particular decision taken by an organ or authority, and that their reasoning must be complete, i.e. must state or indicate its legal basis. Due reasoning is required in order to make possible the ascertainment of the proper application of the Law
- 35 and to enable a guarantee of judicial control (*Pancypran Federation of Labour (PEO) v Board of Cinemetograph Films Censors and Another* (1965) 3 C L R 27, *Sunshor Estates Ltd v The Municipal Corporation of Famagusta* (1971) 3 C L R 440, *Kynakides v The Republic* (1976) 3 C L R 364; *Papageorgiou v*
- 40 *The Republic* (1984) 3 C L R 1348, *Argyrou v The Republic*

(1985) 3 C.L.R. 559; *Alona Co-Operative Society v. The Republic* (1986) 3 C.L.R. 222; *Aristides v. The Republic* (1986) 3 C.L.R. 466.)

Moreover, decisions of collective organs, such as the one with which we are dealing with, are particularly required to be reasoned because of the fact that such decisions are expected to be the result of the deliberations of the members of the said organs (see Tsatsos *Recourse for Annulment before the Council of State*, 3d ed. p. 235).

In the sub judice decision there is no reasoning at all. The appointment was made by secret voting without any deliberations. No reasoning was given by any of the members of the Council - voters. A defective exercise of discretion amounts to excess or abuse of power. (*Impalex Agencies Ltd. v. The Republic (The Minister of Commerce and Industry)* (1970) 3 C.L.R. 361, 375.) The Municipal Council is a corporate body - a collective organ. Vote is secret in the municipal elections; but a collective organ of Local Government has to deliberate and give reasons for its decisions, and the minority may, also, give their own reasons.

Looking at the sub judice decision it cannot be said that it satisfies the requirement of due reasoning; it is not reasoned at all; no reasoning can be supplemented or supplied by the material in the file. It is contrary to the principles of administrative law and was taken in abuse and excess of power.

For all the foregoing the recourse succeeds. The sub judice decision is declared null and void and of no effect whatsoever under Article 146.4(b).

Respondents to pay £125. - costs of the applicant.

No order as to costs between the applicant and the interested party.

*Sub judice decision
annulled. Respondents to
pay £125. - costs.*