

Communication concerning the decision of the Curia of Hungary
in the administrative case n° Kfv.III.37.726/2012

The plaintiff was a student at the Police High School. Following the completion of his first year of study, the headmaster of the educational establishment initiated a background investigation on him to be performed by the National Defence Service in order to be able to award him officer status. In its decision rendered after the investigation, the National Defence Service found that the plaintiff had led an objectionable way of life. With regard to the above findings, the headmaster of the Police High School terminated the plaintiff's student status. The defendant upheld the headmaster's decision.

The final court decision rejected the plaintiff's claim.

In the subsequent judicial review proceeding, the Curia of Hungary established that the procedural measures and the decision of the National Defence Service could not be reviewed by the courts, however, the findings in the decision based on the prior background investigation could be contested before the judicial instances. The right to judicial remedy, as enshrined in the Fundamental Law of Hungary, includes not only the right to have final decisions reviewed on the basis of formal or procedural criteria, but also the right to request their substantive review. The plaintiff's proposal for taking of evidence which aimed to prove that the findings as regards his objectionable way of life in the decision terminating his student status had been groundless cannot be disregarded by the court.

Budapest, the 12th of July 2013

Administrative and Labour Department of the Curia of Hungary