EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

DECISION

Application no. 32081/06
Bedri TEKİN
against Turkey

The European Court of Human Rights (Second Section), sitting on 5 September 2017 as a Committee composed of:

Ledi Bianku, President,
Valeriu Griţco,
Stéphanie Mourou-Vikström, judges,
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 August 2006,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Bedri Tekin, is a Turkish national, who was born in 1955 and lives in Ankara.

2. The Turkish Government ("the Government") were represented by their Agent.

A. The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. On an unspecified date, the applicant initiated proceedings before the Ankara Administrative Court and requested the annulment of an exam, which he had taken to become eligible for a post of assistant inspector at the Ministry of Labour and Social Security.

5. On 2 February 1990 the court declared the exam void with all its consequences.

6. On 20 August 1993 the Supreme Administrative Court upheld the judgment.

7. Complying with the court's judgment, on 30 November 1993 the Ministry of Labour and Social Security offered the applicant, a post of assistant inspector at the Ministry. The applicant refused.

8. After ten years, on 20 May 2003 the applicant applied to the Ministry to be appointed as an assistant inspector.

9. On 19 August 2003 the applicant initiated a second set of proceedings against the Ministry with the Ankara Administrative Court, requesting the payment of the salary difference he had been allegedly entitled to, for the period during which the authorities had failed to execute the judgment of 20 August 1993.

10. On 24 June 2004 the court rejected the case on the ground that the applicant's claim had become time-barred.

11. On 13 May 2005 the Supreme Administrative Court upheld the first-instance court's decision. During the appeal proceedings, the Chief Public Prosecutor at the Supreme Administrative Court delivered his written opinion on the case, without raising any new issues. He solely invited the court to uphold the impugned decision. This opinion was not notified to the applicant.

12. On 18 January 2006 the applicant's rectification request was rejected.

B. Relevant domestic law

13. The description of the relevant domestic law may be found in *Kılıç and others v. Turkey* ((dec.), no. 33162/10, §§ 10-13, 3 December 2013).

COMPLAINTS

14. The applicant complained under Article 6 § 1 of the Convention that the non-communication of the Chief Public Prosecutor's written opinion during the appeal proceedings before the Supreme Administrative Court had violated his right to an adversarial and fair hearing.

15. Under the same provision, the applicant further maintained that his right to a fair hearing had been breached, as he was never given an opportunity to reply to the written opinion which the rapporteur judge had submitted to the Supreme Administrative Court.

16. Relying on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention, the applicant complained that he was denied compensation for his alleged financial loss.

THE LAW

A. Non-communication of the Chief Public Prosecutor's written opinion

17. The applicant complained that the non-communication of the Chief Public Prosecutor's written opinion during the appeal proceedings before the Supreme Administrative Court had violated his right to an adversarial and fair hearing. In this respect, he relied on Article 6 § 1 of the Convention.

18. The Court notes that it has already examined the same issue in the case of *Kılıç and others v. Turkey* ((dec.), no. 33162/10, §§ 19-23, 3 December 2013) and considered that the applicants had not suffered a significant disadvantage. Accordingly, it has declared this complaint inadmissible in accordance with Article 35 § 3 (b) of the Convention.

19. Having in particular regard to the content of the respective written opinion filed by the Chief Public Prosecutor in the proceedings before the Supreme Administrative Court (see paragraph 11 above), the Court finds no particular reasons in the present application which would require it to depart from its findings in the aforementioned case.

20. In the light of the foregoing, this complaint is inadmissible and must be rejected pursuant to Article 35 §§ 3 (b) and 4 of the Convention.

B. Other Complaints

21. The applicant also raised other complaints under Article 6 and Article 1 of Protocol No. 1 to the Convention.

22. In the light of the material in its possession and in so far as the matters complained of are within its competence, the Court finds that the remaining complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

23. It follows that this part of the application must be declared inadmissible as being manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 September 2017.

Hasan Bakırcı Deputy Registrar	Ledi Bianku President