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Title

Querelen einer Amtsüberleitung im einzelnen Fall : ein Lehrstück zum Thema: Wo ein Wille ist, ist auch ein Weg?

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Abstract

The transformation of the Central Office for the Allocation of Study Places [Zentralstelle zur Vergabe von Studienplätzen (ZVS)] into a foundation under public law raised questions concerning the transfer of staff. Specifically, the Administrative Court (Verwaltungsgericht = VG) of Gelsenkirchen had to deal with the assignment of the executive positions. Whilst in the proceedings for interim measures the court confirmed the right to a permanent assignment of the position as managing director, in the main proceedings it adopted a contrary decision. The reason for this was that in the meantime there had been an amendment in the Law on Foundations. The article not only takes a critical view of the decision made by the Administrative Court in Gelsenkirchen but also of the legislative procedure that has taken place in the meantime. It raises a wealth of questions relating to constitutional law, some of which have not yet been conclusively clarified. Among other things, it deals with the priority between a state treaty and the law authorized by such a treaty and with the

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problems of a statutory regulation for one individual regarding equality. (HRK / Abstract
übernommen)