

Case brief

Parties: Plaintiff – H.S. vs. Defendant – Emauzy ČR

Facts:

The instant case involves the following circumstances:

The plaintiff, H.S. was employed at civil association Emauzy ČR as a headmaster of this organization. She has worked there from 1.7.2009. Employment was negotiated for an indefinite period with a three-month probationary period.

In 28.8.2009 has the defendant by the letter announced the termination of the employment in three-month probationary period to plaintiff.

The plaintiff demanded to this legal act was determined void, because the defendant had no legal right to dismiss her in three-month probationary period.

Legal issues:

The question before the court is whether the defendant is entitled to dismiss the plaintiff in three-month probationary period.

Procedural history:

The first instance court ruled that the legal action of plaintiff was entitled, so the court decided, that the defendant is obliged to pay compensation for procedure to plaintiff. The defendant appealed against this decision to the second instance court.

The second instance court confirmed the decision of first instance court and decided that the defendant is obliged to pay another compensation for procedure to plaintiff. The defendant appealed against this decision to High court.

Reasoning of the court:

The third instance court recognized the appeal justified, because the court found out some mistakes in decision of the second instance court. So the third instance court return the thing back to the second instance court to new hearing. High court decided that there is no remedy against this decision.

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