

IN THE NAME OF THE REPUBLIC OF ARMENIA
DECISION OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF ARMENIA

**ON THE CASE CONCERNING THE CONSTITUTIONALITY OF PART 3 OF
ARTICLE 23 OF THE LAW “ON CIVIL SERVICE”, RAISED BY THE APPLICATION
OF THE RA CASSATION COURT**

Based on the results of the examination of the Case and being guided by point 1 of Article 168, part 4 of Article 169, parts 1 and 2 of Article 170 of the Constitution, as well as Articles 63, 64, and 71 of the Constitutional Law “On the Constitutional Court”, the Constitutional Court **DECIDED:**

1. Part 3 of Article 23 of the Law “On Civil Service” is in conformity with the Constitution under the interpretation that, in the event of a reduction in the maximum number of staff positions of the relevant body in accordance with the procedure prescribed by the legislation of the Republic of Armenia, the discretion of the head of the relevant body in determining preferential entitlement to continue employment is limited by the fundamental principles of public service and must be exercised on the basis of objective, reasonable and merit-based criteria, thereby precluding any possible violation of the prohibition against dismissal from public service on grounds not provided for by law or on arbitrary grounds, which falls within the scope of the right guaranteed by Article 49 of the Constitution.

2. According to part 2 of Article 170 of the Constitution, this Decision shall be final, and it shall enter into force upon its promulgation.

PRESIDING JUDGE

A. DILANYAN

6 October 2026

DCC-1845