

Filed on 23/12/24
2:30 am/pm
Registrar
HIGH COURT, ADENTAN-ACCRA



REGISTRAR
HIGH COURT
ADENTAN-ACCRA

WRIT OF SUMMONS
(Order 2 rule 3(1))

WRIT ISSUED FROM High Court, Adenta 2024 SUIT No. C13/36/25

IN THE HIGH/CIRCUIT COURT OF JUSTICE
ADENTAN-ACCRA - A.D. 2024

BETWEEN

Rashid Ibrahim

Plaintiff*

12 Nii Oyo Ave
Accra

AND

UNIVERSITY OF PROFESSIONAL STUDIES, ACCRA

Defendant *

Madina-Accra

To

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff.

Rashid Ibrahim

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this writ on you inclusive of the day of service you do cause an appearance to be entered for you.

UNIVERSITY OF PROFESSIONAL STUDIES, ACCRA

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you.

UNIVERSITY OF PROFESSIONAL STUDIES, ACCRA

Dated this 23rd day of DEC 2024

Chief Justice of Ghana

E. SACKY TORKORNOO (MRS)



NB: This writ is to be served within twelve calendar months from the date of issue unless it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by a lawyer at Form 5 at the Registry of the Court of issue of the writ at Adenta. A defendant appearing personally may, if he desire give notice of appearance by post.

*State name, place of residence or business address of plaintiff if known (not P.O. Box number).

**State name, place of residence or business address of defendant (not P.O. Box number).

STATEMENT OF CLAIM

WHEREFORE the Plaintiff claims from the Defendant as follows:

- a. A declaration that the promotion of John Kwaku Mawutor to the rank of Associate Professor by the Defendant was defective, unlawful and of no effect.
- b. A declaration that having been defectively promoted to the rank of Associate Professor, John Kwaku Mawutor's appointment as Vice Chancellor was invalid and of no effect as he did not satisfy the requirement of professorship needed to be a Vice Chancellor.
- c. A declaration that the creation of the office of Pro Vice-Chancellor—Research Innovation & Knowledge Transfer (RIKT) and Academic & Student Affairs is ultra vires and thereby null and void.
- d. An Order setting aside the appointment of John Kwaku Mawutor as the Vice Chancellor of the Defendant.
- e. An order setting aside the appointments of Professor Emmanuel Selase Asamoah and Professor Samuel Antwi as Pro Vice-Chancellor for Academic & Student Affairs and Research Innovation and Knowledge Transfer (RIKT) respectively.
- f. An order directed to the Defendant to comply with provisions of the revised version of "the criteria for appointments and promotions of senior members (Academic)"
- g. An Order restraining the Defendant from appointing any individual who does not meet the status of professorship as the Vice Chancellor.
- h. An Order directed to the Defendant to comply with the Act of Parliament establishing the Defendant in appointing a Pro Vice-Chancellor
- i. Any other reliefs or remedies this honourable Court may deem fit.

This writ was issued by **ABDUL AZIZ GOMDA ESQ.**
whose address for service
is: **KWADWO AFFRAM
ASIEDU & PARTNERS
(PATAWOTUO CHAMBERS)
21 SAMORA MACHEL ROAD
ASYLUM DOWN, ACCRA**

KWADWO AFFRAM ASIEDU & PARTNERS
(PATAWOTUO CHAMBERS)
21 SAMORA MACHEL ROAD
ASYLUM DOWN, ACCRA
Chambers Licence No.: ePP08920/24

Agent for **PLAINTIFF**

Address Number and date of lawyer's current licence. **LIC NO.: eGAR05476/24;**

Lawyer for the plaintiff who resides at **ACCRA**

Indorsement to be made within 3 days after service

This writ was served by me at
on the defendant
on the day of

endorsed the day of

Signed.....

Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).

Filed on 23/12/24
at 2:30 pm
Registrar
HIGH COURT, ADENTAN-ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ADENTA- A.D. 2024

SUIT NO.: C13/36/25

BETWEEN

Rashid Ibrahim
12 Nii Oyo Ave
Accra

PLAINTIFF

AND

UNIVERSITY OF PROFESSIONAL STUDIES, ACCRA
Madina-Accra

DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff is an alumnus of the University of Professional Studies, Accra—the Defendant— and in that capacity, a major stakeholder in the Defendant School.
2. The Defendant is established by an Act of Parliament as a public university, to among others, provide higher professional education through teaching and research.
3. To achieve the overall goal of the provision of higher professional education through teaching and research, the Defendant through Council, is required to determine its strategic direction, and in doing so, ensuring the creation of an environment of equal opportunity for members of the Defendant school.
4. Similarly, the Defendant is mandated to recruit and maintain a workforce—academic and non-academic—equipped with the requisite skill required for the advancement of the Defendant.
5. Consequently, the Defendant through Council, implements a promotion policy designed to reward hard work, excellence and, intellectual and academic industry.

6. To this end, in January 2021, a revised version of “the criteria for appointments and promotions of senior members (Academic)” was adopted to streamline academic promotions in the Defendant school.
7. As part of the criteria provided, for a person to be promoted or appointed to the rank of an Associate Professor, she must—in addition to satisfying the qualification for a senior lecturer—publish at least seven (7) refereed journal articles in reputable journals.
8. In the case of promotion to the rank of Associate Professor from the rank of Senior Research Fellow, one needs at least ten (10) refereed journal articles in reputable journals in addition to satisfying the requirement for promotion or appointment as a Senior Research Fellow.
9. The above notwithstanding, and contrary to established regulations and principles of the Defendant, John Kwaku Mensah Mawutor—who was promoted to the rank of Associate Professor in 2021—did not meet the criteria provided making his appointment contrary to the “the criteria for appointments and promotions of senior members (Academic)” adopted in 2021.
10. Subsequent to John Kwaku Mensah Mawutor’s defective promotion to the rank of Associate Professor, Council through a search committee announced a vacancy for the position of Vice Chancellor on **March 18, 2024**, with the successful candidate taking office in January 2025.
11. A key requirement in the announcement of **March 18, 2024**, was that, the successful candidate must be of a professorial status in the Defendant school or an analogous institution.
12. On **May 6, 2024**, John Kwaku Mensah Mawutor was announced as the successful candidate for the position of Vice Chancellor of the Defendant School to assume office on **January 1, 2025**.
13. Having been defectively promoted to the rank of Associate Professor contrary to the guidelines and established principles of the Defendant, John Kwaku Mensah Mawutor’s appointment as Vice Chancellor is thus defective and of no effect, since he fails to meet the criteria set out for the position of Vice Chancellor—specifically the requirement of professorship.

14. The settled practice of the Defendant and other institutions of higher learning requires that, persons appointed to any office of academic nature, must possess at least an academic degree.
15. In the case of John Kwaku Mensah Mawutor, he has no academic degree—1st degree, MPhil or its equivalence, or a PhD.
16. Beyond the infractions stated hereinbefore in this Statement of Claim, the Defendant has through Council also acted without legal basis in creating two positions of Pro Vice-Chancellor—Research Innovation & Knowledge Transfer (RIKT) and Academic & Student Affairs—resulting in having two individuals occupying the role of Pro Vice-Chancellor.
17. Consequently, on **June 12, 2024**, Professor Emmanuel Selase Asamoah and Professor Samuel Antwi, were appointed Pro Vice-Chancellors for Academic & Student Affairs and Research Innovation & Knowledge Transfer (RIKT) respectively, in clear disregard of the confines of the law establishing the Defendant.

WHEREFORE the Plaintiff claims against the Defendant as follows:

- a. A declaration that the promotion of John Kwaku Mawutor to the rank of Associate Professor by the Defendant was defective, unlawful and of no effect.
- b. A declaration that having been defectively promoted to the rank of Associate Professor, John Kwaku Mawutor's appointment as Vice Chancellor was invalid and of no effect as he did not satisfy the requirement of professorship needed to be a Vice Chancellor.
- c. A declaration that the creation of the office of Pro Vice-Chancellor—Research Innovation & Knowledge Transfer (RIKT) and Academic & Student Affairs is ultra vires and thereby null and void.
- d. An Order setting aside the appointment of John Kwaku Mawutor as the Vice Chancellor of the Defendant.
- e. An order setting aside the appointments of Professor Emmanuel Selase Asamoah and Professor Samuel Antwi as Pro Vice-Chancellor for Academic & Student Affairs and Research Innovation and Knowledge Transfer (RIKT) respectively.
- f. An order directed to the Defendant to comply with provisions of the revised version of "the criteria for appointments and promotions of senior members (Academic)"
- g. An Order restraining the Defendant from appointing any individual who does not meet the status of professorship as the Vice Chancellor.

- h. An Order directed to the Defendant to comply with the Act of Parliament establishing the Defendant in appointing a Pro Vice-Chancellor
- i. Any other reliefs or remedies this honourable Court may deem fit.

**DATED AT THE LAW OFFICES OF KWADWO AFRAM ASIEDU & PARTNERS
(PATAWUTUO CHAMBERS) IN ACCRA THIS 23RD DAY OF DECEMBER 2024.**



ABDUL AZIZ GOMDA, ESQ.
Sol. Lic. eGAR05476/24
BP No.: 3000069373
TIN: P0004578317
Lawyer for the Plaintiff

**TO:
THE REGISTRAR
HIGH COURT
ADENTA.**

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANT