



ATUGUBA & ASSOCIATES

House No 3 Otinshie-Adjiringano,
Near Rex Plaza Accra-Ghana
P.O. Box LG 203,
Legon - Accra

Tuesday, 20th November, 2018.

THE CHAIRMAN
THE GOVERNING COUNCIL
UNIVERSITY OF EDUCATION, WINNEBA
WINNEBA

Attn: Prof. Nicholas Abakah

Dear Sir,

**RESUMPTION OF PROF. MAWUTOR AVOKE AND DR. SENYO ACKORLIE TO THEIR
PREVIOUSLY HELD OFFICES IN THE UNIVERSITY OF EDUCATION, WINNEBA; AND
PAYMENT OF THEIR ENTITLEMENTS**

We act as Solicitors for Prof. Mawutor Avoke and Dr. Senyo Ackorlie (our "Clients") and write to you upon their instructions.

We have the firm instructions of our Clients to bring to your attention the following:

1. You will recall that on the 20th day of February, 2018, one Supi Kwayera caused a Writ of Summons to be issued against the University of Education, Winneba and the Minister of Education, at the High Court, Winneba, claiming the following reliefs:
 - a. "A declaration that the extension of the mandate of the Governing Council of the 1st Defendant by the 2nd Defendant to stay in office to perform such functions as properly appointed council was in breach of section 8 of Act 672.
 - b. A declaration that no authority or institution of state has any power to extend the tenure of a member of the Governing Council of the 1st Defendant unless such extension is in accordance with Act 672.
 - c. A declaration that all appointments made by the defunct Governing Council which constituted themselves as the Governing Council of the 1st Defendant by virtue of the directives of the 2nd Defendant are null and void and of no legal effect.

- d. A declaration that all decisions taken by the de facto body of persons who constituted themselves as Governing Council is null and void and of no effect (sic).”
2. You will also recall that on the 2nd day of May 2018, the High Court, Winneba delivered Judgment in Default of Defence, granting all the declaratory reliefs endorsed on the Writ of Summons of the said Supi Kwayera. Specifically, by the said judgment of the High Court, Winneba, all appointments made by the alleged defunct Governing Council, including those of our Clients, were declared null and void and of no legal effect.
3. As your lawyers may have advised you, the effect of the said judgment of the High Court, Winneba, whilst that judgment subsisted, was that the respective appointments of our Clients were void and as though the said appointments were never made.
4. Your lawyers may have also advised you that a decision or an order of a Court, however procured and however invalid, is binding until it is set aside by a Court of competent jurisdiction.
5. Therefore, immediately the Court declared the appointments of our Clients as null and void on the 2nd day of May 2018, our Clients effectively ceased to hold their respective offices in the University of Education, Winneba.
6. You will also recall that after our Clients’ appointments had been declared void by the High Court, Winneba, you purported to subject our Clients (who were no longer occupying their respective offices in the University by virtue of the judgment of the High Court, Winneba) to disciplinary hearings and subsequently purported to dismiss them from office.
7. We wish to bring to your attention that immediately the High Court declared our Clients’ appointments as void by its judgment dated 2nd May 2018, our Clients effectively ceased to be officers of the University. Accordingly, no disciplinary proceedings could be instituted against them as they were no longer officers or appointees of the University.
8. This reason, among others, informed our decision to advise our Clients to refrain from attending the said illegal disciplinary hearings.
9. It is clear, therefore, that the purported disciplinary hearings carried out in respect of our Clients that directly resulted in their purported dismissals are void, as our Clients were no longer occupying their respective offices in the University at the time of the purported disciplinary hearings and their purported dismissals, since it is impossible and impracticable to dismiss persons who were not in office at the time of the said dismissal.

10. As you are already aware, on the 31st of October 2018, the Supreme Court, by a unanimous decision, quashed the judgment of the Winneba High Court dated 2nd May, 2018. Consequently, the declaration by the High Court, Winneba that the appointments of our Clients were void stands quashed by the Supreme Court.
11. In effect, immediately the said judgment of the High Court, Winneba was quashed by the Supreme Court on the 31st of October 2018, our Clients automatically resumed the erstwhile positions they respectively held in the University prior to the decision of the High Court, Winneba dated 2nd May, 2018.

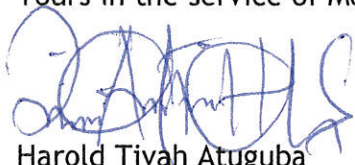
Consequent upon these and other material facts which we have found through our investigations, we have advised our Clients in respect of their legal rights and remedies at law; whereupon our Clients firmly instructs us to request you to:

- i. Prepare their offices and make available to them the necessary tools and resources necessary for them to resume work not later than the 26th of November, 2018.
- ii. Pay all the entitlements due our Clients, which the University of Education, Winneba illegally and unreasonably withheld from them from the time of their illegal interdictions, through to their illegal dismissals, and to date.

We wish to advise, and advice is hereby given, that should you, within **Seven (7) days** of receipt of this letter, fail to commit, unequivocally, to meeting the above demands, we shall proceed and resort to other lawful processes or avenues to vindicate the constitutional, statutory, and legal rights of our Clients without further recourse to you.

Finally, if notice is required for the institution of any legal or other proceedings against you or any recipient of this letter, this letter shall constitute such notice.

Yours in the service of Mother Ghana,



Harold Tivah Atuguba
Atuguba and Associates

Licence No.: GAR 15105/18

Solicitors for Prof. Mawutor Avoke and Dr. Senyo Ackorlie.

CC:

1. HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF GHANA
OFFICE OF THE PRESIDENT
JUBILEE HOUSE
ACCRA

2. THE HONOURABLE MINISTER OF EDUCATION
MINISTRY OF EDUCATION
MINISTRIES
ACCRA

3. THE HONOURABLE MINISTER IN CHARGE OF TERTIARY EDUCATION
MINISTRY OF EDUCATION
MINISTRIES
ACCRA

4. THE HONOURABLE ATTORNEY GENERAL AND MINISTER FOR JUSTICE
ATTORNEY-GENERAL'S DEPARTMENT
MINISTRY OF JUSTICE
MINISTRIES
ACCRA.

5. THE EXECUTIVE SECRETARY
NATIONAL COUNCIL FOR TERTIARY EDUCATION
P.O.BOX MB 28
ACCRA

6. THE CHAIRPERSON
THE VICE CHANCELLORS GHANA
LEGON
ACCRA

7. THE REGISTRAR
UNIVERSITY OF EDUCATION, WINNEBA
WINNEBA