

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
CAPE COAST – A.D. 2025

FILED ON 23/9/2025
AT 11:10 am
REGISTRAR
HIGH COURT, CAPE COAST

SUIT NO.:

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW FOR AN ORDER OF
CERTIORARI, PROHIBITION, MANDAMUS AND INJUNCTION

AND

IN THE MATTER OF ARTICLES 23, 296 AND 33 OF THE CONSTITUTION, 1992

AND

IN THE MATTER OF ORDER 55 OF THE HIGH COURT (CIVIL PROCEDURE) RULES,
2004 (C.I. 47)

AND

IN THE MATTER OF THE DECISION OF THE GHANA TERTIARY EDUCATION
COMMISSION (GTEC) DATED 19TH SEPTEMBER 2025 PURPORTING TO INSTRUCT
PROF. JOHNSON NYARKO BOAMPONG TO STEP ASIDE AS VICE-CHANCELLOR OF
THE UNIVERSITY OF CAPE COAST

THE REPUBLIC

CR/CC/HCI/E10/05/2025

VRS

1. GHANA TERTIARY EDUCATION COMMISSION
GA-452-0871 EAST LEGON
ACCRA

2. UNIVERSITY OF CAPE COAST
CAPE COAST

RESPONDENTS

EX PARTE:

DR. ELIJAH TUKWARIBA YIN
VICE-DEAN, FACULTY OF LAW
UNIVERSITY OF CAPE COAST
CAPE COAST

APPLICANT

INTERESTED PARTIES:

1. PROF. JOHNSON NYARKO BOAMPONG
VICE CHANCELLOR,
UNIVERSITY OF CAPE COAST
CAPE COAST

2. PROF. DENNIS WORLAYNO AHETO
PRO VICE CHANCELLOR,
UNIVERSITY OF CAPE COAST
CAPE COAST

INTERESTED PARTIES

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APPOINTMENT OF LAWYER

PLEASE TAKE NOTICE that the Applicant herein has appointed **KENNETH ATSU DOGBEY, ESQ.** as his lawyer to prosecute this application on his behalf and the lawyer's address for service of all processes is as follows:

**KENNETH ATSU DOGBEY ESQ
ADWENPA LAW CHAMBERS
GYAM GROUP OF CO. BUILDING
DIGITAL ADDRESS: CC-122-2633 CAPE COAST
CHAMBER REG NO. ePP09745/25**

DATED AT ADWENPA LAW CHAMBERS, CAPE COAST THIS 23RD DAY OF SEPTEMBER 2025

**KENNETH ATSU DOGBEY, ESQ.
SOLICITOR & BARRISTER AT LAW
ADWENPA LAW CHAMBERS,
CAPE COAST
KENNETH ATSU DOGBEY, ESQ.
COUNSEL FOR THE APPLICANT
(eGAR05035/25)**

THE REGISTRAR
HIGH COURT
CAPE COAST

**AND FOR SERVICE ON THE ABOVE-NAMED RESPONDENT AND INTERESTED
PARTIES**

FILED ON: 23/9/2025
AT: 1:20 pm
REGISTRAR
HIGH COURT, CAPE COAST

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PRO VICE CHANCELLOR,
UNIVERSITY OF CAPE COAST
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INTERESTED PARTIES

STATEMENT OF CASE

1. My Lord, this application is brought under **Order 55** of the High Court (Civil Procedure) Rules, 2004 (C.I. 47), and pursuant to **Articles 23, 125(3), 141, and 296** of the 1992 Constitution, as well as **Section 16 of the Courts Act, 1993 (Act 459)**. The Applicant seeks judicial review remedies in the nature of **certiorari, prohibition, mandamus, injunction, and a declaration**, in respect of a letters dated **19th and 22nd September 2025** issued by the Ghana Tertiary Education Commission (1st Respondent), which purports to direct the sitting Vice Chancellor of the University of Cape Coast to step aside and further refusal to perform their statutory functions in favour of the 2nd Respondent.
2. The 1st Respondent's decision is impugned on the grounds that it is **ultra vires, procedurally improper**, a violation of **natural justice**, and a **usurpation** of the exclusive powers of the University's Governing Council. Further, the decision is unlawful because it interferes with a matter that is **sub judice** before the High Court, Cape Coast, in which an **injunction** has been issued, and in which the Respondent is a party.
3. The High Court has jurisdiction to entertain this application under **Article 141** of the Constitution and **Section 16 of the Courts Act**, which confer **supervisory jurisdiction** over all lower courts, persons, and authorities exercising administrative, quasi-judicial, or judicial functions.
4. The constitutional right to **administrative justice**, guaranteed under **Article 23**, entitles every person to **fair, reasonable, and lawful treatment** by administrative bodies. This was affirmed by the Supreme Court in *Awuni v West African Examinations Council* [2003-2004] 1 SCGLR 471.
5. In *Republic v Minister for Interior; Ex Parte Bombelli* [1984-86] 1 GLR 204, the Court held that the exercise of discretionary powers by administrative or executive bodies is **subject to judicial supervision**, and that such powers must be exercised lawfully and fairly, not arbitrarily. The focus of review is on **legality**, not the **merits** of the decision.
6. Further, in *Awuku Sao v Ghana Supply Co.* [2009] SCGLR 710, and *Aboagye v Ghana Commercial Bank Ltd* [2001-2002] SCGLR 797, the Supreme Court reaffirmed that **natural justice** must be observed by all administrative decision-makers. Breaches of these principles render administrative actions **void**.
7. The Court in *Boyefio v NTHC Properties Ltd* [1996-1997] SCGLR 531 held that even where a statute prescribes a special procedure for dealing with matters, it does not oust the **supervisory jurisdiction** of the High Court to intervene where **illegality or procedural unfairness** is shown.
8. In judicial review, the Court is not to substitute its judgment for that of the administrator, but to determine whether the administrator acted within the bounds of **legality, rationality, and procedural propriety**, as laid down in *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948] 1 KB 223, and applied in *Tema Development Corporation & Musah v Atta Baffour* [2005-2006] SCGLR 121.
9. The Applicant is a citizen of Ghana, a Senior Lecturer and Vice-Dean at the Faculty of Law, University of Cape Coast. He brings this application in the **public interest**, as a legal academic committed to upholding the **rule of law** in the governance of tertiary institutions and also stands to suffer based on the actions or inactions of the 1st Respondent.

10. The Applicant's standing is supported by established precedent that certiorari and prohibition are **public law remedies** not constrained by technical rules of **locus standi**. In *Republic v High Court, Accra*; *Ex parte Appenteng*[2005-2006] SCGLR 18, and *Republic v High Court, Winneba*; *Ex parte UTAG – Winneba Chapter* (J5/65/2017), the Supreme Court held that such remedies may be sought by **any concerned citizen** where there is abuse of administrative power. Per Pwamang JSC: "*Applications for prerogative writs have a special public aspect to them and are therefore not restricted by notions of locus standi... They may be granted to a total stranger... It is in the interest of the public that the machinery of the administration of justice works properly.*"

Facts Giving Rise to the Application

11. On or about **19th September 2025**, the 1st Respondent issued a directive to the Vice Chancellor of the University of Cape Coast (1st Interested Party) to step aside, citing that he had attained the age of 60. The 1st Respondent further directed the 2nd Interested Party to act in the interim.
12. At the time this directive was issued, the tenure of the 1st Interested Party was already the subject of pending litigation before the High Court, Cape Coast in **Suit No. E12/105/2024: John Mevemeo v University of Cape Coast & Prof. Johnson Nyarko Boampong**. In that suit, the Court had granted an **interlocutory injunction** restraining the University and its Governing Council from taking any steps to interfere with the Vice Chancellor's appointment or tenure.
13. The 1st Respondent was aware of the injunction, having filed its own application for **judicial review** at the Supreme Court to quash the High Court's order. That application was **dismissed**. Subsequently, the High Court directed the Respondent to **join** the pending proceedings, a directive that is under appeal but remains extant.
14. Despite all this, the 1st Respondent proceeded to issue the impugned directive, in **flagrant disregard of the Court's authority**, the rule of law, and the principle of non-interference in **matters sub judice**.
15. The 1st Respondent purports to act under **Section 7 of the Education Regulatory Bodies Act, 2020 (Act 1023)**. However, that provision **does not empower** the Respondent to suspend, remove, or direct the stepping aside of a Vice Chancellor.
16. The functions under Section 7 are regulatory and policy-oriented, including standard-setting, quality assurance, and institutional monitoring. Nowhere is **executive or disciplinary authority** conferred over Vice Chancellors or internal university governance.
17. **Section 7** provides thus "*The regulatory functions of the Commission include to (a) ensure the implementation of approved regulations and national standards and norms with respect to tertiary education institutions; (b) approve the establishment of tertiary education institutions; (c) regulate the structure of tertiary education in the country; (d) develop policies and regulations to advance the conduct of research and innovation in public tertiary education institutions; (e) develop norms for the allocation of grants to drive tertiary education policy based on national development priorities; (f) undertake or cause to be undertaken, periodic or ad-hoc visitations, regular inspections, monitoring and evaluation of tertiary education institutions to ensure compliance with the provisions of this Act or Regulations made under this Act; (g) set-up and operate a tertiary education institution information management system to enable real-time access to decision support data of all tertiary education institutions; (h)*

develop and implement policy on criteria or requirements for admission to tertiary education institutions in the country; (i) receive annual reports from tertiary education institutions three months after the end of each academic year; (j) approve the establishment of new academic units in tertiary education institutions being mindful of cost effectiveness and alignment with institutional mission and mandates and national development objectives; (k) establish links with relevant national and international stakeholders necessary for the attainment of the objects of the Commission; (l) verify the authenticity of all certificates, diplomas and degrees upon request; and (m) make recommendations to the Minister to ensure discipline in tertiary education institutions.”

18. In contrast, the power to appoint and remove Vice Chancellors is vested **exclusively** in the University’s Governing Council, pursuant to **Statutes 8.1 and 8.13** of the University of Cape Coast Statutes, 2016.
19. **Statute 8.1** provides: *“There shall be a Vice-Chancellor... appointed by Council in the manner prescribed in the 1992 Constitution of the Republic of Ghana...”* **Statute 8.13** provides: *“The Vice-Chancellor may be relieved of his/her post by Council... after a fair hearing... and shall be entitled to know the grounds for the removal and to attend with Counsel of his or her choice.”*
20. The 1st Respondent’s action is therefore **ultra vires** and represents a **direct usurpation** of the Council’s statutory authority.
21. Furthermore, the directive was issued without affording the Vice Chancellor a **hearing**, contrary to the principles of **natural justice** and fair administrative process.
22. The 1st Respondent’s decision also **violates a binding injunction** and undermines the judicial process.

Mandamus Relief: Grounds and Justification

21. In a subsequent letter dated **22nd September 2025**, the 1st Respondent indicated that unless the University complied with its directive and provided proof, it would withhold processing of essential administrative requests, including:
 - Accreditation
 - Salaries and government subvention
 - GETFund support
 - Book and Research Allowance
 - Post-Retirement Contracts
 - Financial Clearance for Recruitment
 - Other related processes
22. The 1st Respondent has therefore **refused or failed to perform statutory duties** owed to the 2nd Respondent under Act 1023. These include the processing of requests fundamental to the 2nd Respondent university’s lawful and effective operation.
23. The Supreme Court has held in *Republic v National House of Chiefs Exparte: Odeneho Akrofa Krukoko II (Enimil VI-Interested Party (No. 2) [2010]. SCGLR 134* that **mandamus** lies to compel a public authority to perform a public duty that it is either refusing or failing to carry out, particularly where that duty is **clear, unambiguous, and mandatory**.
24. The 1st Respondent’s regulatory role includes **processing such requests** and coordinating financial and academic support, not using them as **coercive leverage** for enforcing an unlawful directive.

25. The withholding of these essential regulatory services, without lawful basis, constitutes **administrative coercion**, is **irrational**, and amounts to a **constructive abuse of power**.
26. The Applicant therefore prays for an order of mandamus to compel the 1st Respondent to perform its lawful duties and to desist from any further attempts to condition or frustrate the 2nd Respondent's access to statutory entitlements based on unlawful directives.

Grounds for Application

27. The grounds upon which this application is brought include:
 - i. **Illegality**: The Respondent acted outside its statutory powers under Act 1023. This also clearly shows the Respondent used its powers for an improper or unauthorized purpose. The Court of Appeal in *Congreve v Home Office* [1976] QB 629 established that decisions made by a public body without proper authority should be quashed.
 - ii. **Procedural Impropriety**: The Respondent acted outside its statutory remit under the Education Regulatory Bodies Act 2020 and failed to comply with the procedures laid down in the University of Cape Coast Statutes. In issuing a directive that the Vice Chancellor step aside without notice or affording him a hearing, the Respondent violated the principles of natural justice, particularly the right to be heard. Such disregard for due process renders the directive unlawful and void;
 - iii. **Irrationality**: The Respondent acted arbitrarily and in violation of a subsisting injunction. The Respondent's decision is outrageous and in defiance of logic, or of accepted legal or moral standards, that no equivalent institution should be allowed to do the same as stated by Lord Diplock in *CCSU v Minister for Civil Service* [1984] 3 All ER 935;
 - iv. **Failure to Perform Public Duty**: The 1st Respondent has refused to carry out its lawful functions in processing legitimate requests by the University, necessitating mandamus.

Reliefs Sought

28. In view of the foregoing, the Applicant respectfully prays this Honourable Court to grant the following reliefs:
 - i. A declaration that the decisions of the 1st Respondent dated 19th and 22nd September 2025 are ultra vires, void, and of no legal effect;
 - ii. An order of **certiorari** to quash the 1st Respondent's decision purporting to direct the 1st Interested Party to step aside;
 - iii. An order of **prohibition** restraining the 1st Respondent from issuing further directives or interfering with the Vice Chancellor's tenure;
 - iv. An order of **mandamus** compelling the 1st Respondent to process all statutory requests lawfully submitted by the 2nd Respondent, including those relating to accreditation, financial support, and recruitment;
 - v. An order of **injunction** restraining the 2nd Interested Party from acting or purporting to act as Vice Chancellor of the 2nd Respondent;
 - vi. An order compelling the 1st Respondent to respect the jurisdiction of the courts and refrain from acting in matters **sub judice**.

Conclusion

29. The 1st Respondent's actions violate both the **letter and spirit of the law** and represent a **dangerous overreach** of administrative power. In the interest of justice, legality, and institutional governance, the Applicant respectfully invites this Honourable Court to grant the reliefs sought.

Respectfully submitted.

DATED THIS DAY OF SEPTEMBER, 2025.

KENNETH ATSU DOGBEY, ESQ.
SOLICITOR & BARRISTER AT LAW
ADWENPA LAW CHAMBERS,
CAPE COAST
024 024 2929

KENNETH ATSU DOGBEY, ESQ.
COUNSEL FOR THE APPLICANT
(eGAR05035/25)

THE REGISTRAR
HIGH COURT
CAPE COAST

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UNIVERSITY OF CAPE COAST
CAPE COAST

2. PROF. DENNIS WORLAYNO AHETO
PRO VICE CHANCELLOR,
UNIVERSITY OF CAPE COAST
CAPE COAST

INTERESTED PARTIES

MOTION ON NOTICE FOR JUDICIAL REVIEW

TAKE NOTICE that this Honourable Court will be moved by Counsel for and on behalf of the Applicant herein, praying this Honourable Court for the following reliefs:

1. **A declaration** that the decisions of the 1st Respondent dated 19th and 22nd September 2025 is *ultra vires*, void, and of no legal effect;
2. **An order of certiorari** to bring up and quash the decision of the 1st Respondent purporting to direct the 1st Interested Party to step aside from the office of Vice Chancellor of the 2nd Respondent;
3. **An order of prohibition** restraining the 1st Respondent from issuing further directives, taking steps, or in any way interfering with the tenure or appointment of the Vice Chancellor;
4. **An order of mandamus** compelling the 1st Respondent to perform their statutory duty of processing all requests relating to accreditation, salaries and government subvention, GETFund support, Book and Research Allowance, Post-Retirement Contracts, Financial Clearance for Recruitment, and any other related administrative processes of the 2nd Respondent;
5. **An order of injunction** restraining the 2nd Interested Party from acting or purporting to act in the office of Vice Chancellor of the 2nd Respondent;
6. **An order** compelling the 1st Respondent to respect the jurisdiction of the courts and refrain from usurping the authority of the University Governing Council or acting in matters *sub judice*;
7. **Costs** of this application.

AND FOR ANY FURTHER ORDER(S) AS THIS HONOURABLE COURT MAY DEEM FIT.

1. Full name and address for service of the applicant and the lawyer for the applicant

Applicant:

DR. ELIJAH TUKWARIBA YIN,
VICE-DEAN
FACULTY OF LAW
UNIVERSITY OF CAPE COAST
CAPE COAST

Applicant's Counsel:

KENNETH ATSU DOGBEY ESQ
ADWENPA LAW CHAMBERS
GYAM GROUP OF CO. BUILDING
DIGITAL ADDRESS: CC-122-2633
CAPE COAST
CHAMBER REG NO. ePP09745/25
TEL: 024 024 29 29

2. The facts upon which the applicants rely: (See **attached Affidavit in Support**)
3. The reliefs or remedies sought by the applicants and the grounds on which the applicant seeks the reliefs or remedies are:
 - i. A declaration that the decisions of the 1st Respondent dated 19th and 22nd September 2025 are *ultra vires*, void, and of no legal effect;
 - ii. An order of certiorari to bring up and quash the decision of the 1st Respondent purporting to direct the 1st Interested Party to step aside from the office of Vice Chancellor of the 2nd Respondent;

- iii. An order of prohibition restraining the 1st Respondent from issuing further directives, taking steps, or in any way interfering with the tenure or appointment of the Vice Chancellor;
 - iv. An order of mandamus compelling the 1st Respondent to perform their statutory duty of processing all requests relating to accreditation, salaries, and government subvention, GETFund support, Book and Research Allowance, Post-Retirement Contracts, Financial Clearance for Recruitment, and any other related administrative processes of the 2nd Respondent;
 - v. An order of injunction restraining the 2nd Interested Party from acting or purporting to act in the office of Vice Chancellor of the 2nd Respondent;
 - vi. An order compelling the 1st Respondent to respect the jurisdiction of the courts and refrain from usurping the authority of the University Governing Council or acting in matters sub judice;
 - vii. Costs of this application.
4. Full name and address for service on persons directly affected by the application:
- i. **GHANA TERTIARY EDUCATION COMMISSION**
GA-452-0871 EAST LEGON
ACCRA
 - ii. **UNIVERSITY OF CAPE COAST**
CAPE COAST
 - iii. **PROF. JOHNSON NYARKO BOAMPONG**
UNIVERSITY OF CAPE COAST
CAPE COAST
 - iv. **PROF. DENNIS WORLAYNO AHETO**
UNIVERSITY OF CAPE COAST
CAPE COAST

me COURT TO BE MOVED ON THE *Day to be fixed* DAY OF at 9'oclock in the forenoon or so soon thereafter as Counsel may be heard.

DATED THIS DAY OF SEPTEMBER, 2025.

KENNETH ATSU DOGBEY, ESQ.
SOLICITOR & BARRISTER AT LAW
ADWENPA LAW CHAMBERS,
CAPE COAST
024 024 2929

KENNETH ATSU DOGBEY, ESQ.
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PRO VICE CHANCELLOR,
UNIVERSITY OF CAPE COAST
CAPE COAST

INTERESTED PARTIES

AFFIDAVIT IN SUPPORT OF MOTION FOR JUDICIAL REVIEW

I, **Dr. Elijah Tukwariba Yin**, Vice-Dean of the Faculty of Law, University of Cape Coast, Cape Coast, make oath and say as follows:

1. That I am the Applicant herein and a Senior Lecturer at the Faculty of Law, University of Cape Coast.
2. That I bring this application in the public interest, in my capacity as a Ghanaian citizen, legal academic, and officer of the University, committed to upholding the rule of law and ensuring that regulatory authorities act within the bounds of their lawful mandate. I also bring this application as a person directly affected by the actions and inactions of the 1st Respondent.
3. That the facts contained herein are facts within my personal knowledge except where the context indicates otherwise and are true and correct. Where I make submissions of a legal nature I do so on the advice of my lawyers' which advice I believe to be true and correct.
4. That at the hearing of this Application Counsel shall seek leave of this Honourable Court to refer to all processes filed as if same has been deposed and sworn hereto.
5. That on or about 19th September 2025, the 1st Respondent, Ghana Tertiary Education Commission (GTEC), issued a letter purporting to direct the 1st Interested Party, **Prof. Johnson Nyarko Boampong**, to step aside from the office of Vice Chancellor of the 2nd Respondent, on the basis that he had attained the statutory retirement age. A copy of the said letter is attached and marked as **Exhibit A**.
6. That the said letter further directed the 2nd Interested Party to assume the role of Acting Vice Chancellor in the interim.
7. That the legality of the continued tenure of the 1st Interested Party is the subject of pending judicial proceedings before the High Court, Cape Coast, in **Suit No. E12/105/2024: John Mevemeo v University of Cape Coast & Prof. Johnson Nyarko Boampong**.
8. That the 1st Respondent is fully aware that the High Court, Cape Coast, granted an interlocutory injunction in the said suit, restraining the 2nd Respondent and its Governing Council from taking any steps to interfere with the 1st Interested Party's appointment until the final determination of the matter. A copy of the said court order is attached and marked as **Exhibit B**.
9. That the 1st Respondent, despite being aware of the injunction, filed an application for judicial review in the Supreme Court in **Republic v High Court; Ex parte Ghana Tertiary Education Commission & ORS (Suit No. J5/7/2025)**, seeking to quash the said injunction. The Supreme Court dismissed that application.
10. That following the dismissal, the High Court directed the 1st Respondent to join the pending suit in Cape Coast. That directive is currently under appeal at the Court of Appeal in Takoradi.
11. That despite the clear pendency of proceedings and the binding interlocutory orders, the 1st Respondent nonetheless issued the impugned directive on 19th September 2025.
12. That the 1st Respondent purports to act under **Section 7 of the Education Regulatory Bodies Act, 2020 (Act 1023)**, which I am advised by counsel and verily believe does not confer any authority to suspend, remove, or direct the stepping aside of a Vice Chancellor of a public university.
13. That Section 7 of Act 1023 merely sets out general regulatory and policy functions such as standard-setting, monitoring, and coordination, and does not extend to disciplinary or executive control over Vice Chancellors or the governance of autonomous public universities.

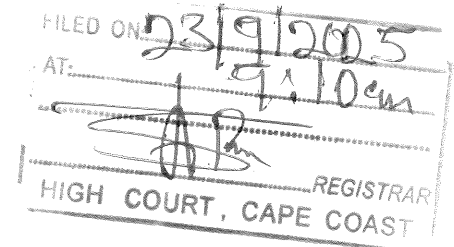
14. That I am advised and verily believe that the power to appoint, suspend, or remove the Vice Chancellor of the 2nd Respondent lies exclusively with its **Governing Council**, pursuant to **Statutes 8.1 and 8.13** of the University of Cape Coast Statutes. Copies of the relevant statutes are attached and marked as **Exhibit C**.
15. That the directive issued by the 1st Respondent is therefore **ultra vires**, unlawful, and an unwarranted interference with the autonomy of the 2nd Respondent's Governing Council.
16. That the said directive was issued without affording the 1st Interested Party a hearing, and is thus procedurally unfair and in breach of the **rules of natural justice**.
17. That further, the directive was issued in direct contradiction of the pending court proceedings and subsisting injunction orders, and I am advised and verily believe that this amounts to a **usurpation of the jurisdiction of the High Court**.
18. That on 22nd September 2025, the 1st Respondent issued a second letter addressed to the Registrar of the 2nd Respondent University. A copy is attached and marked as **Exhibit D**.
19. That in the said letter, the 1st Respondent stated that unless the University complies fully with its 19th September directive and provides evidence of such compliance, it will withhold the processing of all requests, including:
- accreditation;
 - salaries and government subvention;
 - GETFund support;
 - Book and Research Allowance;
 - Post-Retirement Contracts;
 - Financial Clearance for Recruitment; and
 - other related administrative processes.
18. That I am advised and verily believe that this second letter amounts to **administrative coercion** and an unlawful refusal to perform statutory duties owed by the 1st Respondent to the 2nd Respondent and other public tertiary institutions.
19. That the withholding of essential regulatory functions, particularly those relating to finance, recruitment, and accreditation, causes **significant disruption** to the lawful operation of the University and adversely affects the delivery of higher education.
20. That I am advised and verily believe that an order of **mandamus** lies to compel the 1st Respondent to resume its statutory duties and to prevent the arbitrary or punitive denial of services based on an **unlawful directive**.
21. That I am further advised and verily believe that this Honourable Court has the power to grant **certiorari** to quash the impugned directive, **prohibition** to restrain future unlawful interference, and **injunction** to prevent any person from purporting to act on the basis of the directive.
22. That I make this affidavit in good faith and in support of the motion for judicial review, and I respectfully pray this Honourable Court to grant the reliefs set out in the motion paper.

Sworn in Accra this 23rd day
of September 2025]

.....
Deponent

BEFORE ME
COMMISSIONER FOR OATHS
REGISTRAR

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
CAPE COAST – A.D. 2025**



SUIT NO.:

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW FOR AN ORDER OF
CERTIORARI, PROHIBITION, MANDAMUS AND INJUNCTION**

AND

IN THE MATTER OF ARTICLES 23, 296 AND 33 OF THE CONSTITUTION, 1992

AND

**IN THE MATTER OF ORDER 55 OF THE HIGH COURT (CIVIL PROCEDURE) RULES,
2004 (C.I. 47)**

AND

**IN THE MATTER OF THE DECISION OF THE GHANA TERTIARY EDUCATION
COMMISSION (GTEC) DATED 19TH SEPTEMBER 2025 PURPORTING TO INSTRUCT
PROF. JOHNSON NYARKO BOAMPONG TO STEP ASIDE AS VICE-CHANCELLOR OF
THE UNIVERSITY OF CAPE COAST**

THE REPUBLIC

VRS

1. GHANA TERTIARY EDUCATION COMMISSION
GA-452-0871 EAST LEGON
ACCRA

2. UNIVERSITY OF CAPE COAST
CAPE COAST

RESPONDENTS

EX PARTE:

DR. ELIJAH TUKWARIBA YIN
VICE-DEAN, FACULTY OF LAW
UNIVERSITY OF CAPE COAST
CAPE COAST

APPLICANT

INTERESTED PARTIES:

1. PROF. JOHNSON NYARKO BOAMPONG
VICE CHANCELLOR,
UNIVERSITY OF CAPE COAST
CAPE COAST

2. PROF. DENNIS WORLAYNO AHETO
PRO VICE CHANCELLOR,
UNIVERSITY OF CAPE COAST
CAPE COAST


INTERESTED PARTIES

**CERTIFICATE OF EXHIBITS – ORDER 20 RULE 14 OF HIGH COURT (CIVIL
PROCEDURE) RULES 2004, C.I 47**

I, Meunical S.....Registrar/Commissioner for Oaths of Ghana do hereby
certify that the exhibits listed hereunder and attached to the Affidavit in Support of the Motion have
been verified before me:

1. **Exhibit A: Letter from GTEC dated 19th September 2025**
2. **Exhibit B: Order of Injunction**
3. **Exhibit C: Excerpts of the UCC Statute 2016**
4. **Exhibit D: Letter from GTEC dated 22nd September 2025**

DATED THIS 23rd DAY OF SEPTEMBER, 2025.


.....
REGISTRAR/COMMISSIONER FOR OATHS
APB COAST

Incase of reply, the number and date of this letter be quoted

My Ref No.: MA211.01

Your Ref No.:



**GHANA TERTIARY
EDUCATION COMMISSION**
Driving a World Class Tertiary Education System for National Development

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19 SEPTEMBER 2025

**PROF JOHNSON NYARKO BOAMPONG
UNIVERSITY OF CAPE COAST
CAPE COAST**

Dear Prof. Boampong,

STAY IN OFFICE POST COMPULSORY RETIREMENT AGE

The attention of the Ghana Tertiary Education Commission (GTEC) has been drawn to you being in office as Vice-Chancellor of the University of Cape Coast (UCC) post the compulsory retirement age of sixty (60) years contrary to the provisions of the 1992 Constitution of Ghana.

Sir, for your guidance Article 199 (1) states - *"A public officer shall, except as otherwise provided in this Constitution, retire from the public service on attaining the age of sixty years."*

Again, the Office of the Vice-Chancellor, being an office established under Section 7(1) of the University of Cape Coast Act, 1992 (PNDC L 278) is a public office under the meaning and intendment of Article 199(1), hence anyone acting in the office of the Vice-Chancellor is presumptively mandated to proceed on compulsory retirement upon attaining 60 years.

Regarding the tenure of the Vice-Chancellor, Statute 8.2 of the University of Cape Coast Statutes 2016 states that: *"The Vice-Chancellor shall hold office for an initial term of four years. The appointment may be renewed for a further term of up to three years if that is not beyond the statutory retiring age of 60."*

Stemming from the above stated laws, and with the Commission's regulatory mandate enshrined in section 7 of the Education Regulatory Bodies Act, 2020 (Act 1023), the Pro-Vice Chancellor, Prof. Denis Worlanyo Aheto is to act in the interim.

The Commission is minded by a suit at the High Court, Cape Coast surrounding this issue. Due this pending suit, the Chairman of the Governing Council of UCC, who is herein copied, is to **STAY** action on the appointment of a substantive Vice-Chancellor until final determination of the case at the High Court, Cape Coast.

Office Location:

GA-452-0871

East Legon - Trinity - IPS Road (Legos Avenue); Adjacent Chartered Institute of Bankers Ghana, Accra - Ghana

The Commission will be counting on your usual co-operation on this matter.

Thank you.

Yours sincerely,



PROF. AUGUSTINE OCLOO
AG. DEPUTY DIRECTOR-GENERAL
FOR. DIRECTOR-GENERAL

CC:

The Honourable Minister of Education

Chancellor

Council Chair

Pro-Vice-Chancellor

Registrar

Director of Finance

Internal Auditor

Chairman of Vice-Chancellors Ghana (VCG)

Office Location:

GA-452-0871

East Legon - Trinity - IPS Road (Lagos Avenue); Adjacent Chartered Institute of Bankers Ghana, Accra - Ghana

EXH B

IN THE SUPERIOR COURT OF JUDICATURE IN THE HIGH COURT
OF JUSTICE HELD IN CAPE COAST ON TUESDAY, THE 8TH DAY OF
OCTOBER, 2024 BEFORE HIS LORDSHIP JUSTICE JOHN-MARK
NUKU ALIFO "J"

SUIT NO. E12/105/2024

JOHN MEVEMEO

- PLAINTIFF

H/NO. M20

MILLENIYM CITY

KASOA

VRS.

1. UNIVERSITY OF CAPE COAST - 1ST DEFENDANT/RESPONDENT

2. PRO. JOHNSON NYARKO BOAMPONG

VICE-CHANCELLOR'S RESIDENCE

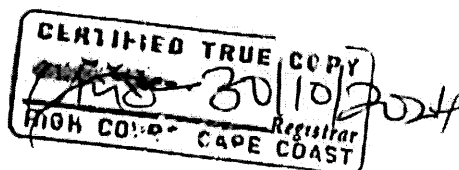
UCC-CAPE COAST

- 2ND DEFENDANT/APPLICANT

RULING

INTRODUCTION

[1] On 3rd May, 2024, the Plaintiff filed a Writ against the 1st and 2nd Defendants claiming various reliefs endorsed on the Writ of Summons and Statement of Claim. The 1st Defendant and 2nd Defendant both entered Appearance through their Counsel on 15th May, 2024. The 1st Defendant filed its Defence on 24th May, 2024 and



1

He is not required to make out a clear title, but he must satisfy the court that he has a fair question to raise as to the existence of the legal right which he sets up."

[27] It is my opinion that this is a typical case where it is proper and prudent in the interest of justice to preserve the status quo until the final determination of the suit. Exhibits 7, 8 & 9 exhibited by the Applicant clearly show the obvious attempts made by some persons to remove the Applicant from office thereby undermining the entire legal process set in motion by the Plaintiff per his Writ issued on 3rd May, 2024. See the case of **18th July Ltd v. Yehans International Ltd (Supra)**.

[28] It was held in *Chief Tsokosi & Others Vrs. Alhaji Abbass & Others (1972) 1 GLR 257*, Holding 1 that:

"the purpose of an interim injunction is to preserve the status quo ante."

[29] It is obvious that an irreparable damage will be caused to the Applicant if the 1st Defendant/ Respondent goes ahead to remove him from Office. The balance of inconvenience obviously tilts in favour the Applicant as he stand to lose everything unlike the 1st Defendant/Respondent should this Application be refused. This is the right the Applicant seeks to protect by calling in aid the equitable

order of interlocutory injunction to restrain the Respondent, the Governing Council, Chairman of the Governing Council their agents, assigns, privies, workmen or servants discussing any matter relating to the renewal of his appointment or taking any decision that will suspend, reserve or set aside his appointment or do anything to interfere with the renewed tenure of appointment pending the final determination of the suit initiated by the Plaintiff.

[30] In the case of *Vanderpuje Vrs. Nartey* (1977) 1 GLR 428 at page 432 Amissah J.A. (as he then was) held as follows:

The governing principle was whether on the face of the affidavits there was need to preserve the status quo in order to avoid irreparable damage to the applicant, provided his case was not frivolous or vexatious. The question for consideration in that regard resolves itself into whether on balance greater harm would be done by the refusal to grant the application than not.

CONCLUSION

[31] I wish to conclude my ruling by stating that the Applicant has made a strong prima facie case against the Respondent. In this regard, the case of *Punjabi Bros Vrs Namih* (Supra) is again instructive.

Also, in *Owusu Vrs. Owusu Ansah*, (Supra) the Supreme Court cited *Vanderpuye Vrs. Nartey* (Supra) and held:

"The fundamental rule therefore is that a trial Court should consider whether the Applicant as a legal right at law or in equity, which the Court ought to protect by granting an interim injunction. This could only be determined by considering the pleadings and affidavit evidence before the Court."

[32] It is my finding that the facts pleaded by the Applicant and the Affidavit evidence adduced, disclose that the Applicant has legal to be protected by this Honourable Court; it is therefore of the greatest importance for this Court to maintain the status quo.

[33] I therefore find merit in the Application filed by the Applicant and will grant the prayer for interlocutory injunction.

[34] The 1st Defendant/Respondent, University of Cape Coast, it's Governing Council, Chairman of the Council, their Agents, Assigns, Privies, Workmen, Servants or their Appointors are restrained and prohibited from:

- i. Discussing or deliberating any matter(s) relating to the removal of the 2nd Defendant as Vice Chancellor,
- ii. Taking any decision that will suspend, reverse or set aside the appointment of the 2nd Defendant, and

- iii. Interfering with the renewal of the appointment of the 2nd Defendant as Vice Chancellor until the final determination of this matter.

(SGD)

JOHN-MARK NUKU ALIFO 'J'
(JUSTICE OF THE HIGH COURT)

COUNSEL

DANIEL ARTHUR ESQ. WITH LAWRENCE OFORI ADDO AND HON.
SOLOMON EBO APPIAH ESQ. FOR THE PLAINTIFF/APPLICANT
/RESPONDENT/RESPONDENT

SOLOMON FAAKYE ESQ. WITH ANASTASIA ASANTE ESQ. FOR
THE 1ST DEFENDANT/RESPONDENT.

DENNIS ADJEI DWOMOH ESQ. WITH HAWAWU MUSAH ESQ. FOR
THE 2ND DEFENDANT/RESPONDENT/APPELLANT/APPLICANT.

AUTHORITIES:

1. Civil Procedure: A Practical Approach, 2011 chapter 18, page 485.
By S. Kwami Tetteh.
2. Owusu Vrs. Owusu and Another [2007-2008] 2 SC GLR 870
3. Vanderpuye Vrs. Nartey (1977) 1 GLR 428

EXH

"C"



STATUTES

of
UNIVERSITY OF CAPE COAST
2016

Published by Authority

gross misconduct. Council shall afford the Chancellor a fair hearing and, at any such removal proceedings, the Chancellor shall be entitled to know the grounds for removal and to attend with Counsel of his or her choice.

- 6.6 One year prior to the expiry of the Chancellor's term of office, Council shall cause a seven-member search committee to be constituted to identify a suitable candidate for the consideration of Council. The Committee shall comprise a chairman appointed by Council, three members drawn from Council and three other members appointed by Academic Board. The Registrar shall be the Secretary to the Committee.
- 6.7 Council shall cause the Registrar to invite nominations from Convocation of eminent Ghanaians for consideration by Council with a view to the appointment of a suitable person as Chancellor. The proposal shall state reasons for the nomination of that candidate to serve as Chancellor. Nominations shall be open for a period not less than two weeks or more than four weeks.
- 6.8 Nominations received by the Registrar shall be transmitted to the Search Committee.

STATUTE 7: CHAIRMAN OF COUNCIL

- 7.1 There shall be a Chairman of Council who shall be appointed in the manner prescribed in the Law and shall hold office for three years and shall be eligible for another term of three years only.
- 7.2 The Chairman of Council shall be the Pro-Chancellor who shall act in the absence of the Chancellor at Congregations to confer degrees diplomas and certificates.
- 7.3 The Chairman shall normally preside over meetings of Council.
- 7.4 The Chairman shall be furnished with copies of the Minutes of the Academic Board in addition to other publications of the University.
- 7.5 The Chairman may resign from office by a letter addressed to the Chancellor. Council, by a resolution passed by at least two thirds of its members, may pass a vote of no confidence in the Chairman. Upon passing a vote of no confidence in the Chairman, the Registrar shall send a petition to Government requesting Government to recall the Chairperson.

STATUTE 8: VICE-CHANCELLOR

- 8.1 There shall be a Vice-Chancellor of the University who shall be a Professor (i.e. Full Professor) and shall be appointed by Council in

the manner prescribed in the 1992 Constitution of the Republic of Ghana. The Vice-Chancellor shall be officially inducted into office at a special ceremony.

- 8.2 The Vice-Chancellor shall hold office for an initial term of four years. The appointment may be renewed for a further term of up to three years if that is not beyond the statutory retiring age of 60.
- 8.3 The Vice-Chancellor shall, under the direction of the University Council, serve as the academic and administrative head and chief disciplinary officer of the University. The Vice-Chancellor shall by virtue of his or her office be a member of Council.
- 8.4 The Vice-Chancellor shall preside at Congregation and confer degrees and diplomas in the absence of both the Chancellor and Chairman of Council.
- 8.5 The Vice-Chancellor shall be the Chief Executive of the University and shall be responsible, in accordance with the Law, the *Statutes* and decisions of Council and Academic Board, for organising and conducting the academic, financial and administrative business of the University and for promoting the efficiency and good order of the University.
- 8.6 The Vice-Chancellor shall submit annually to Council, through the Academic Board, a list of the staffing positions which, in his or her opinion, are necessary for the transaction of University business, together with an estimate of the expenditure required for the maintenance of such staff.
- 8.7 The Vice-Chancellor shall keep the Academic Board informed of decisions of Council and shall also keep Council informed of all major decisions of the Academic Board.
- 8.8 The Vice-Chancellor shall appoint all employees of the University other than senior members in accordance with procedures and terms laid down by Council. The Vice-Chancellor may delegate to the Registrar or any other officer of the University or any appointments committee, the power to make appointments.
- 8.9 The Vice-Chancellor shall have discretionary power to appoint suitably qualified Lecturers, Senior Lecturers and persons of Professorial rank from other universities, and distinguished non-university scholars to the University as Visiting Professors, Visiting Associate Professors, Visiting Senior Lecturers, Visiting Lecturers and Visiting Scholars for periods up to one year subject to confirmation by the Appointments and Promotions Board. In such appointments, resort to external assessors shall not be obligatory. However, the curriculum vitae and references of each candidate

- shall be obtained. Appointment of visiting personnel shall normally be made to fill either departmental or other vacancies.
- 8.10 The Vice-Chancellor shall have the power to delegate any of the functions assigned to him or her by the *Statutes* to such office holders or senior members of the University as shall seem to him or her appropriate.
- 8.11 In the event of a temporary absence of the Vice-Chancellor caused by incapacity or absence from the campus, the Pro Vice-Chancellor shall perform the functions and duties of the Vice-Chancellor.
- 8.12 The Vice-Chancellor may resign his or her office by a letter addressed to the Chancellor through the Chairman of Council.
- 8.13 The Vice-Chancellor may be relieved of his/her post by Council on grounds of incapacity, persistent absence without justification, non performance, conviction of a criminal offence involving dishonesty, fraud or moral turpitude, or for gross misconduct. Council shall afford the Vice-Chancellor a fair hearing and, at any such removal proceedings, the Vice-Chancellor shall be entitled to know the grounds for the removal and to attend with Counsel of his or her choice.
- 8.14 Should a vacancy occur in the Office of the Vice-Chancellor through resignation, removal, death or any other cause which incapacitates him or her from performing the functions and duties of Vice-Chancellor, the Pro Vice-Chancellor shall perform the duties until a Vice-Chancellor has been appointed. In the absence of the Pro Vice-Chancellor, and in descending order, the most senior Provost or in the absence of any Provost, the most senior Dean shall act as Vice-Chancellor. Seniority shall be determined by office, academic rank, length of service as Provost or Dean as the case may be, and in the event of equality, by age.
- 8.15 When a vacancy occurs or is about to occur in the office of the Vice-Chancellor, a Search Committee shall be constituted as follows:
- (a) A Chairperson appointed by Council, not necessarily from its membership and preferably a former Vice-Chancellor of a recognised university
 - (b) Two members of Council who are not members or staff of the University
 - (c) Two members of the Academic Board one of whom shall be of Professorial status and one of non-Professorial status elected by the Academic Board
 - (d) The Registrar who shall act as secretary.
- 18.16 The Search Committee after making such enquiries as it deems fit, including consultations with members, staff and alumni, shall

Incase of reply, the number and date of this letter be quoted

My Ref No.: AB3/0/01

Your Ref No.:



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22nd September 2025

**The Registrar
University of Cape Coast
Cape Coast**

Dear Sir,

RE: STAY IN OFFICE POST COMPULSORY RETIREMENT AGE

Reference is made to our letter and directive dated 19th September 2025, addressed to Prof. Johnson Nyarko Boampong, in which you were copied on the above subject.

The Commission is compelled to issue this directive due to the fact that the Governing Council of the University of Cape Coast (UCC) has been restrained by an injunction of the High Court, Cape Coast, since 8th October 2024, from taking any action on Prof. Johnson Nyarko Boampong's appointment as Vice-Chancellor.

Accordingly, the Ghana Tertiary Education Commission (GTEC) will, with immediate effect, not process any request from the University of Cape Coast (UCC) in respect of the following until there is full compliance with the directive and evidence of compliance is furnished to the Commission:

- Accreditation,
- Salaries (government subventions),
- GETFund support,
- Book and Research Allowance,
- Post-Retirement Contracts,
- Financial Clearance for Recruitment,
- Any other related request,



Please treat this letter with the utmost urgency.

Yours faithfully,

**PROF AUGUSTINE OCLOO
ACTING DEPUTY DIRECTOR-GENERAL
FOR DIRECTOR-GENERAL**

CC.

Hon. Minister, Ministry of Education (MOE)

Chief Director MOE

Chancellor, UCC

Council Chair, UCC

Acting Vice-Chancellor, UCC

Director of Finance, UCC

Internal Auditor, UCC

Director of Public Relations, UCC

Office Location:

GA-452-0871

East Legon - Trinty - IPS Road (Legos Avenue); Adjacent Chartered Institute of Bankers Ghana, Accra - Ghana