

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
KUMASI-ASHANTI

SUIT NO: *9 Misc/10/2024*

IN THE MATTER OF

KOFI CLEMENT OHENE ASARE)...PLAINTIFF
H/NO. PLOT 6, DICHEMSO)
KUMASI- ASHANTI REGION)

VRS.

1. KWAME NKRUMAH UNIVERSITY)
OF SCIENCE AND TECHNOLOGY (KNUST))
TECH, KUMASI-ASHANTI REGION)
2. KWASI ANIN-YEBOAH, CHAIRMAN OF THE)
UNIVERSITY COUNCIL OF KWAME NKRUMAH)
UNIVERSITY OF SCIENCE AND TECHNOLOGY)...DEFENDANTS
H/No. (UNKNOWN); ASOKWA, KUMASI)
ASHANTI REGION)
3. PROFESSOR (Mrs) RITA AKOSUA DICKSON)
VICE-CHANCELLOR'S RESIDENCE)
(UNNUMBERED) OKODEE ROAD, KNUST)
CAMPUS, KUMASI-ASHANTI REGION)

AND

IN THE MATTER OF AN APPLICATION FOR COMMITTAL FOR CONTEMPT
AND

IN THE MATTER OF

THE REPUBLIC

VRS.

1. MR. AK BOATENG, REGISTRAR OF KWAME)
NKRUMAH UNIVERSITY OF SCIENCE AND)
TECHNOLOGY (KNUST) H/NO. 14 AKROSO ROAD))
KNUST, KUMASI- ASHANTI REGION)
2. KWASI ANIN-YEBOAH, CHAIRMAN OF THE)
UNIVERSITY COUNCIL OF KWAME NKRUMAH)
UNIVERSITY OF SCIENCE AND TECHNOLOGY)RESPONDENTS
H/No. (UNKNOWN) ASOKWA, KUMASI)
ASHANTI REGION)

09/08/24
FILED ON *3/08/24*
AT *3/08/24*
REGISTRAR
LAND/HUMAN RIGHT COURT
KUMASI

3. PROFESSOR (Mrs) RITA AKOSUA DICKSON)
VICE-CHANCELLOR'S RESIDENCE)
(UNNUMBERED) OKODEE ROAD, KNUST)
CAMPUS, KUMASI-ASHANTI REGION)

EX PARTE:

KOFI CLEMENT OHENE ASARE)...APPLICANT
H/NO. PLOT 6, DICHEMSO)
KUMASI- ASHANTI REGION)

NOTICE OF MOTION

MOTION ON NOTICE by ANNIS MOGHTAR MOHAYIDEEN ESQ. of S & A @ LAW, Kumasi Counsel for and on behalf of the Applicant herein praying this Honourable Court for an **ORDER COMMITTING AND/OR PUNISHING THE RESPONDENTS HEREIN** for their contumacious, contemptuous and deliberate and multiple acts and conduct calculated to bring the administration of justice and the Honourable Court's authority and dignity into irreparable ridicule and contempt by the 1st & 2nd Respondents continuing to hold the 3rd Respondent out as Vice Chancellor of KNUST, and the 3rd Respondent holding herself out and performing duties of the Vice Chancellor of KNUST, after the expiration of her tenure on the 31st of July, 2024 upon grounds set forth in the accompanying affidavit.

AND for any further Order(s) as this Honourable Court may deem fit.

COURT TO BE MOVED on *FRIDAY 23rd* the *23rd* day of *AUG* 2024 at 9 O'clock in the forenoon or so soon thereafter as Counsel for the Applicant could be heard.

DATED AT S & A @ LAW, 2ND FLOOR, CHARLOS TOWERS, ADIEBEBE-AHODWO HIGH STREET, KUMASI THIS 9TH DAY OF AUGUST, 2024.


.....
LAWYER FOR APPLICANT
SOLICITOR'S LIC. NO. eASH 01377/24
CHAMBERS REG. NO. ePP 00135/24
BP NO. 3000052514

S & A @ LAW
2ND FLOOR CHARLOS TOWER
ADIEBEBE - AHODWO - HIGH STREET
KUMASI

THE REGISTRAR
HIGH COURT
KUMASI

COPY FOR SERVICE ON THE RESPONDENTS HEREIN.

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
KUMASI-ASHANTI

SUIT NO:

IN THE MATTER OF

KOFI CLEMENT OHENE ASARE
H/NO. PLOT 6, DICHEMSO
KUMASI- ASHANTI REGION

)...PLAINTIFF

VRS.

1. KWAME NKRUMAH UNIVERSITY
OF SCIENCE AND TECHNOLOGY (KNUST)
TECH, KUMASI-ASHANTI REGION

)
)
FILED ON 09/08/24
AT 3:00pm
REGISTRAR
LAND/HUMAN RIGHT COURT
KUMASI

2. KWASI ANIN-YEBOAH, CHAIRMAN OF THE
UNIVERSITY COUNCIL OF KWAME NKRUMAH
UNIVERSITY OF SCIENCE AND TECHNOLOGY
H/No. (UNKNOWN) ASOKWA, KUMASI
ASHANTI REGION

)
)
)...DEFENDANTS

3. PROFESSOR (Mrs) RITA AKOSUA DICKSON
VICE-CHANCELLOR'S RESIDENCE
(UNNUMBERED) OKODEE ROAD, KNUST
CAMPUS, KUMASI-ASHANTI REGION

)
)
)
)
)

AND

IN THE MATTER OF AN APPLICATION FOR COMMITTAL FOR CONTEMPT

AND

IN THE MATTER OF

THE REPUBLIC

VRS.

FILED ON
AT
REGISTRAR
LAND/HUMAN RIGHT COURT
KUMASI

1. MR. AK BOATENG, REGISTRAR OF
KWAME NKRUMAH UNIVERSITY
OF SCIENCE AND TECHNOLOGY (KNUST)
H/NO. 14 AKROSO ROAD, KNUST, KUMASI
ASHANTI REGION

)
)
)
)
)

2. KWASI ANIN-YEBOAH, CHAIRMAN OF THE
UNIVERSITY COUNCIL OF KWAME NKRUMAH
UNIVERSITY OF SCIENCE AND TECHNOLOGY
H/No. (UNKNOWN) ASOKWA, KUMASI
ASHANTI REGION

)
)
)...RESPONDENTS

)
)

3. PROFESSOR (Mrs) RITA AKOSUA DICKSON)
VICE-CHANCELLOR'S RESIDENCE)
(UNNUMBERED) OKODEE ROAD, KNUST)
CAMPUS, KUMASI-ASHANTI REGION)

EX PARTE:

KOFI CLEMENT OHENE ASARE)...APPLICANT
H/NO. PLOT 6, DICHEMSO)
KUMASI- ASHANTI REGION)

AFFIDAVIT IN SUPPORT

I, KOFI CLEMENT OHENE ASARE, a Financial Consultant of House No. PLOT 6, DICHEMSO, Kumasi in the Ashanti Region of the Republic of Ghana, make oath and say as follows:

1. That I am the Applicant and Deponent herein and I depose to this affidavit, the facts of which are within my personal knowledge and belief by virtue of my being a party to the instant action.
2. That the 1st Respondent herein describes himself as the chief administrative officer of KNUST in an affidavit filed at the Registry of the High Court Kumasi. (Find attached herein and marked "**Exhibit A**" a copy of the said affidavit)
3. That the 2nd & 3rd Respondents are parties to the Suit No. GJ12/05/25 and entitled Kofi Clement Ohene Asare Vrs Kwame Nkrumah University of Science & Technology & 2 Others where I am seeking the following reliefs;
 - A. *A Declaration that the Purported decision of the Council (2nd Defendant) of the 1st Defendant dated the Thursday, 20th June, 2024, to renew the 3rd Defendant's appointment as a Vice-Chancellor for a further term up to 31st July, 2026 is in violation/breach of the Statutes of the 1st Defendant's Institution and therefore void.*
 - B. *An Order of the Honourable Court, Compelling the 1st & 2nd Defendants to abide the 1st Defendant's Statutes.*
 - C. *An Order of the Honourable Court setting aside the Purported decision of the Council (2nd Defendant) of the 1st Defendant to renew the appointment of the 3rd Defendant as Vice-Chancellor of the 1st Defendant Institution in the wrongful manner as done.*
 - D. *An Order of perpetual injunction restraining the Defendants and their privies, assigns, workmen and all those claiming through the Defendants from acting upon the purported decision of the Council (2nd Defendant) of the 1st Defendant*

dated, 20th day of June, 2024 purporting to renew the appointment of the 3rd Defendant as Vice-Chancellor of the 1st Defendant Institution.

E. An Order of Injunction restraining the 3rd Defendant from in any manner holding herself out or seeking to perform the functions of a Vice-Chancellor upon the expiration of her term of office on the 31st day of July, 2024

F. An Order of award of costs incidental to the institution of this action.

G. Any other relief(s) as may be deemed fit by this Honourable Court to grant in the circumstance(s).

as well as an Appeal relating thereto pending at the Court of Appeal and Respondents to a motion of Stay of Execution pending before the High Court, Kumasi

4. That I am a citizen of Ghana and an alumnus/past student of Kwame Nkrumah University of Science and Technology (KNUST). (Find attached herein and marked "**Exhibit B**" copies of documents in proof of same)
5. That I caused a Writ of Summons to be issued at the Registry of the Honourable Court against the 2nd and 3rd Respondents and Kwame Nkrumah University of Science and Technology (hereinafter referred to as KNUST) claiming the reliefs endorsed thereon. (Find attached herein and marked as "**Exhibit C**" a copy of the Writ of Summons and Statement of Claim)
6. That I repeat the preceding paragraph and add that, the issue in controversy in the substantive action is mainly in respect of the non-compliance of the requisite procedure for the renewal of the 3rd Respondent's appointment which is in clear breach of the Act and Statutes of KNUST.
7. That I further caused my Counsel to file an application for injunction praying for an Order of the Honourable Court restraining the Respondents therein from acting upon the said illegal/unlawful decision of the University Council of KNUST.
8. That the application was duly moved on the 30th of July, 2024 and same was dismissed by the Honourable Court in its ruling. (Find attached herein and marked as "**Exhibit D**" a certified true copy of the ruling of the Honourable Court)
9. That immediately after the Honourable Court delivered its ruling, the Applicant filed a Notice of Appeal against the ruling of the Honourable Court praying the Appellate Court to set aside this Honourable

Court's ruling and a further order granting the injunction sought. (Find attached herein and marked as "**Exhibit E**" a copy of the Notice of Appeal)

10. That I add to the preceding paragraph and say that, I also caused to be filed, an application praying this Honourable Court for an Order staying the execution of this Honourable Court's ruling dismissing the Applicant's injunction application pending the determination of the Appeal. (Find attached herein and marked as "**Exhibit F**" a copy of the said Application)
11. That, the Respondents knowing very well that they intend to carry out with their contumacious conduct and disregard the processes (Notice of Appeal and Application for Stay of Execution) of the Court preventing their illegality and with a view to overreaching the Applicant, refused service of "Exhibits E and F" when the Court bailiff attempted to serve them through their representatives who represented them in Court on the 30th of July, 2024. (Find attached herein and marked as "**Exhibit G SERIES**" video of the incident and a copy of a letter dated 31st July, 2024 requesting for a certified true copy of the proceedings in Court on the 30th of July, 2024 which the Applicant has not been furnished with up to date despite repeated demands on the Registry of this Honourable Court)
12. That the bailiff of the Honourable Court attempted service of the Notice of Appeal and the Application for Stay of Execution on KNUST through its Public Relations Officer(P.R.O), Dr. Norris Bekoe who represented KNUST in Court at the court premises in the presence of the media and the general Public yet the said Public Relations Officer(P.R.O) refused service of same claiming that he will not receive service outside of KNUST.
13. That despite several attempts by the Respondents to purposefully evade service, the bailiff of this Honourable Court in his persistence successfully served the Notice of Appeal and Application for Stay of Execution on the 1st Respondent herein at the Registrar's office through the Secretary, one Shadrack Agyapong. (Find attached herein and marked as "**Exhibit H**", a copy of proof of service)

14. That I repeat paragraphs 11, 12, and 13 and add that, the Respondents were put on sufficient notice of the pendency of the Appeal praying the Appellate Court to set aside this Honourable Court's ruling and grant the Applicant's injunction application as well as the Application for Stay of Execution of this Honourable Court's ruling. The Appeal, motion for stay of execution and the refusal of the injunction application were widely publicized in the news and on social media.
15. That to further put the Respondents on sufficient notice of the pendency of the Appeal and Application for Stay of Execution, Counsel caused certified true copies of the processes to be served on the Respondents through EMS at Ghana Post on the 31st of July, 2024. (Find attached herein and marked as "**Exhibit J**" copies of receipts of payment)
16. That in addition to the previous service of Exhibits E and F on the Respondents ex abundant cautela, caused the Respondents to be re served with Exhibits E and F on the 1st day of August, 2024. (Find attached herein and marked as "**Exhibit K**", copies of proof of service)
17. That I am advised by Counsel and verily believe same to be true that, by reason of the Respondents having been put on sufficient notice of the pending Appeal and the Application for Stay of Execution, the Respondents and more particularly the 3rd Respondent are estopped from acting upon the illegal/unlawful decision of the 1st Respondent's Council and from taking any step in implementing same.
18. That I repeat the preceding paragraph and add that, despite the Respondents having sufficient notice of the pendency of the Appeal and the Application for Stay of Execution, they have blatantly disregarded the authority and due process of this Honourable Court by going ahead to allow the 3rd Respondent to act as Vice Chancellor when the matter is still sub-judice which said act/conduct is unlawful, contumacious and a deliberate attempt to subject this Honourable Court to public ridicule and opprobrium. (Find attached herein and marked as "**Exhibit L SERIES**" being videos, a letter issued from the Office of the Vice-Chancellor and the 1st

page of a brochure of a professorial inaugural lecture held on Thursday, 8th August, 2024)

19. That I am again advised by Counsel and verily believe same to be true that, the conduct of the Respondents amounts to a willful disobedience of the Honourable Court and is aimed at bringing the administration of justice into disrepute and public ridicule.
20. That I add to the preceding paragraph that, any act such as the Respondents' contumacious conduct that brings or is likely to bring the administration of justice into disrepute by disrespecting the powers and due process of a Court have acted in contempt and must be made to bear the full rigors of the law.
21. That I am advised by Counsel and verily believe same to be true that, the Respondents' acts/conduct is simply prejudicial and a flagrant disregard to the authority of the Superior Court of Judicature and to render the Appeal and Application for Stay of Execution nugatory so the Respondents could continuously breach the law and negate the pending proceedings.
22. That it is important that, the Honourable Court sends a resounding message to the Respondents that the Court is not going to lend its support or give a gloss of legality to their contemptuous acts especially such highly educated individuals who treat the court with impunity and make a mockery of the sacred processes of the Court as though they are above the law/Court.
23. That I am advised by Counsel and verily believe same to be true that, in the circumstances, this is a proper instance where this Honourable Court ought to grant the application in the manner prayed and commit the Respondents herein for contempt of Court for their contumacious acts/conduct.
24. That I add to the preceding paragraph that, convicting the Respondents for Contempt will show in a definitive and decisive manner that, the Court will not be party to perpetrating illegality.
25. That I am advised by Counsel and verily believe same to be true that, a grant of the instant application will assert the Honourable Court's undoubted authority in the instant suit and will clearly be in accord with the tenets of justice and that it will not shield or grant immunity from any erring party who breaches the law as done herein.

26. That I am advised by counsel and verily believe same to be true that, the present state of the law on contempt of court is that any conduct undermining the determination of a matter by a Court is contemptuous whether there be an injunction in place or not.
27. That under the circumstance, I pray the Honourable Court to commit the Respondents for contempt of Court.
28. That at the hearing of this application, Counsel shall seek leave of the Honourable Court to refer to all processes and proceedings thus far filed as though same forms part of the application herein.
29. Wherefore I swear to this affidavit in support of the instant application.

SWORN at Kumasi this 9th day of September 2024
AUGUST
DEPONENT

BEFORE ME


COMMISSIONER OF OATH

ISAAC ESSIBU
COMMISSIONER OF OATHS
ADUM-KUMASI
0243571871