

**IN THE HIGH COURT OF JUSTICE**  
**ACCRA, GREATER ACCRA REGION**

FRED AMESE,  
GIMPA LAW FACULTY  
GREENHILL, ACCRA

GJ/0982/2022  
} PLAINTIFF / APPLICANT  
} Filed on 20/06/2022  
} at 9:10 am pm  
} Registrar  
} HIGH COURT  
} ACCRA

VRS

1. GHANA INSTITUTE OF MANAGEMENT  
AND PUBLIC ADMINISTRATION  
P. O BOX AH50, ACCRA
2. THE ELECTORAL COMMISSION,  
STUDENTS' REPRESENTATIVE COUNCIL,  
GHANA INSTITUTE OF MANAGEMENT  
AND PUBLIC ADMINISTRATION
3. THE DEAN OF STUDENTS  
GHANA INSTITUTE OF MANAGEMENT  
AND PUBLIC ADMINISTRATION

} DEFENDANTS /  
} RESPONDENTS  
}  
}  
}

**MOTION ON NOTICE FOR AN ORDER**  
**OF INTERLOCUTORY INJUNCTION**  
**(Order 25 of C.I 47)**

PLEASE TAKE NOTICE that the plaintiff will move this Honourable court praying for an order restraining the defendants, their agents, assigns, etc. from conducting the elections of the Students' Representative Council of the Ghana Institute of Management and Public Administration until the substantive suit herein is heard and determined as per the grounds contained in the supporting affidavit.

AND/OR for any further order(s) as to this Honourable Court may deem fit to make.

Court to be moved on Wednesday 29th the 29th day of June 2022  
at 9.00 O'clock in the forenoon or so soon thereafter as the Applicant can be heard.

DATED AT "ACCRA THIS 21ST DAY OF JUNE, 2022

Fred Amese  
.....  
FRED AMESE  
GIMPA LAW FACULTY, ACCRA.

THE REGISTRAR  
HIGH COURT  
ACCRA

**AND COPY FOR SERVICE ON THE DEFENDANTS / RESPONDENTS HEREIN**  
**IN THE HIGH COURT OF JUSTICE**

Filed on 22/06/2022  
at 9:10 am on  
Registrar  
HIGH COURT  
ACCRA

**ACCRA, GREATER ACCRA REGION**

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GIMPA LAW FACULTY  
GREENHILL, ACCRA

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AND PUBLIC ADMINISTRATION }

**AFFIDAVIT IN SUPPORT**

I, FRED AMESE a student of GIMPA do hereby make oath and say as follows:

1. That I am a Students' Representative Council (SRC) presidential aspirant and the deponent herein.
2. That 2<sup>nd</sup> defendant is the Electoral body mandated by the SRC constitution of GIMPA to conduct elections for students in the University.
3. That the 2<sup>nd</sup> defendant within the confines of the constitution begun the electoral procedures of the SRC somewhere 2<sup>nd</sup> semester of the 2021/2022 academic year.
4. The 3<sup>rd</sup> defendant is a nominal defendant as the head of the GIMPA Students' affairs.
5. That, the 2<sup>nd</sup> defendant opened nominations of candidates for various positions in the University and closed same.
6. That the 2<sup>nd</sup> defendant attached the eligibility for nomination and election set out for the elections to the nomination forms. **Attached and marked as "Exhibit FA 1" is a copy of the said eligibility for nomination and election.**
7. That the 2<sup>nd</sup> defendant by a communique with reference number 'SRC/2021/2022/EC04' notified the entire student community that, the vetting committee had vetted all aspirants and by a purported undertaking by the aspirants, qualified a few of the aspirants who purportedly had made qualification criteria of 50% and above score. **Attached and marked as "Exhibit FA 2" is a copy of the said communique.**


8. That I am one of the aspirants that were purportedly disqualified by the vetting committee in that communique.
9. That the power of the vetting committee to disqualify aspirants is clearly set out in Article 49 of the SRC Constitution.
10. That I had met all the qualifications under the said Article 49.
11. That, the said communique comes with a strike in the ambits of regulations covering elections and the natural commitment to the general good of the people
12. That the defendants by their act have unilaterally varied or drawn new rules into the qualifications of an aspirant to contest for office in the GIMPA elections outside the powers associated with their office and the laws that set them up respectively.
13. That the 2<sup>nd</sup> defendant plans on proceeding with the electoral process without me.
14. That the substantive matter before the this Honourable Court will be moot if the 2<sup>nd</sup> Defendant is allowed to proceed with the electoral process
15. That if not restrained by this Honorable Court, the 2<sup>nd</sup> defendants are hell-bent on continuing this unconstitutional and administratively wrong act which will tarnish the representative democracy of the students.

That the plaintiff/applicant stands to lose the most if this application is not granted in the likely event that he wins the substantive suit before this honorable Court.

Sworn at ACCRA this 22<sup>nd</sup> day of }  
 June, 2022 in the presence of } **DEPONENT**



**BEFORE ME**



.....  
**COMMISSIONER FOR OATH**  
**JOHN AHETOH**  
 COMMISSIONER FOR OATHS  
 P. O. BOX MP 1896  
 ACCRA

**IN THE HIGH COURT OF JUSTICE**  
**ACCRA, GREATER ACCRA REGION**

FRED AMESE,  
GIMPA LAW FACULTY  
GREENHILL, ACCRA

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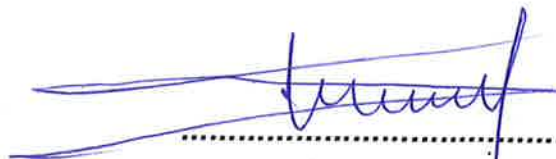
}  
}  
}

**CERTIFICATE OF IDENTIFICATION**  
**ORDER 20 R. 14 (3) OF C.I 47**

**JOHN AHETOH**

I, .....

a commissioner for Oath/Registrar of ACCRA, hereby certify that I identified the Exhibit(s) attached to the affidavit of the deponent, which was sworn before me.

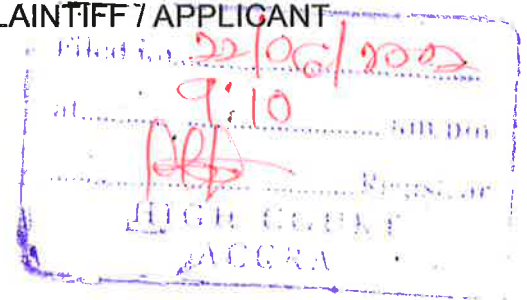


.....  
**Commissioner for oaths/Registrar**  
**JOHN AHETOH**  
**COMMISSIONER FOR OATHS**  
**P. O. BOX MP 1896**  
**ACCRA**

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**STATEMENT OF CASE**

Your Lordship, the plaintiff has commenced the present suit against the defendants for the reliefs endorsed on the writ of summons. The grounds upon which an application may be granted or refused are set out in the case of **FRIMPONG vrs NANA ASARE OBENG II (1974) 2 GLR 16** which states as follows:

- a. The hardship that would be caused if the application is granted or refused.
- b. Whether the facts before the court it is just and convenient for the preservation of the status quo;
- c. Whether damages would afford adequate compensation for the loss if the application is refused;
- d. The likelihood of there being a breach of the peace is not a legal ground for granting injunction; and
- e. The applicant must show a strong prima facie case in support of the title asserted and must make out a probability of the respondent's case failing.

The Supreme Court speaking through ANIN JSC, in **18<sup>th</sup> JULY LTD. vrs YEANS INTERNATIONAL LTD [2012] 1 SGLR 167 @ P.172** opined as follows;



***“Even though it is discretionary, we are of the view that a trial court in determining interlocutory application must first consider whether the case of an applicant was not frivolous and had demonstrated that he had legal or equitable right which a court should protect. Secondly, the court is also enjoined to ensure that the status quo is maintained so as to avoid any irreparable damage to the applicant pending the hearing of the matter. The trial court ought to consider the balance of convenience and should refuse the application if its grant would cause serious hardship to the other party”***

In the first place, I wish to state that this suit is not frivolous or vexatious. The crux of the matter is amply demonstrated in the writ of summons and statement of claim. There are series of issues to be tried in this case. Among them are whether the 1<sup>st</sup> defendant has complied with Article 296(c) of the 1992 Constitution with respect to the way it has chosen to inquire into the removal of the plaintiff.

Secondly, the jurisdiction or authority of the 2<sup>nd</sup> defendant has been brought into question. It is trite that jurisdiction is at the heart of every adjudication process and hence it is important that such an issue is first settled before any enquiry can be embarked upon.

Your Lordship, it is instructive to note that there is right in law which needs to be protected by the grant of this application. The 2<sup>nd</sup> defendant is seeking to inquire into a matter which could lead to the removal of the plaintiff from office. Accordingly, with the serious issues raised, it is proper that nothing is done to affect the rights of the Applicant.

An order of injunction, being an equitable remedy, all the maxims of equity are applicable. The plaintiff has mounted this action timeously and has been very diligent. Hence this Honourable Court will not err if this application is granted.

On the balance of convenience, the plaintiff stands to suffer greater hardship and inconvenience if this application is refused. This is because, in the event that, the 2<sup>nd</sup>

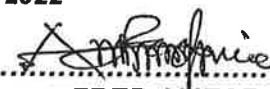
defendant recommends the removal of the plaintiff and the 1<sup>st</sup> defendant acts on same, but this matter eventually succeeds, a serious infringement of the plaintiff's right would have been done which cannot be redeemed especially the embarrassment and hardship.

In any event, it would be needless for the 2<sup>nd</sup> defendant to labour by going through this enquiry only to have the entire proceedings set aside. Hence in the interest of the defendants, it would be just to grant this application pending the final determination of the suit.

**SEE: 1. OWUSU vrs OWUSU – ANSAH (2007-2008) 2 SCGLR 870, S.C**  
**2. POUTNEY vrs DOEGAH (1987 - 88) 1 GLR 111, C.A**

I therefore humbly submit, this application be granted since from the affidavit, the applicant has amply demonstrated that it is proper so to do.

**DATED AT "ACCRA THIS 21ST DAY OF JUNE, 2022**

  
.....  
**FRED AMESE**  
**GIMPA LAW FACULTY, ACCRA.**

**THE REGISTRAR  
HIGH COURT  
ACCRA**

**AND COPY FOR SERVICE ON THE DEFENDANTS / RESPONDENTS HEREIN**

Exhibit FA1

## 1. GENERAL INFORMATION / BYLAWS

In accordance to the provisions of the SRC Constitution:

2.1.5 Every registered student, as defined, is entitled to participate in the election of the SRC of the campus where he or she is enrolled.

In order to submit the following nomination form for a position on the SRC Representative, you are required to have met the following criteria according to the SRC Constitution.

## 2. Eligibility for nomination and election

A person may be nominated and elected to an SRC if the candidate ~~qualifies to vote in~~ the election.

is a registered student of the Institute enrolled for a programme leading to a qualification;

Has passed 70% of the modules prescribed for the curriculum of the qualification for which the candidate was enrolled in the semester preceding the election;

Is registered for the modules prescribed for the curriculum of the qualification for which the candidate is enrolled in the current academic year;

HE/SHE HAS PAID ALL SCHOOL FEES IN FULL BEFORE FILLING FOR ANY POSITION

THE PRESIDENTIAL AND VICE-PRESIDENTIAL POSITIONS SHALL BE JOINTLY CONTESTED UNDER THE PRESIDENTIAL TICKET

PRESIDENTIAL ASPIRANT

THIS IS EXHIBIT / DOCUMENT  
 MARKED FA1 REFERRED TO  
 THE AFFIDAVITS SWORN AT ACCRA  
 THIS 22nd DAY OF June 2022  
 BY T. Amese  
 BEFORE ME [Signature]  
 COMMISSIONER FOR OATHS





**STUDENTS' REPRESENTATIVE COUNCIL**  
**GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION**

**GIMPA**  
**ACHIMOTA - GREENHILL**

Exhibit FA 2



Our Ref: SRC/2021/2022/EC04

16<sup>TH</sup> JUNE, 2022

Your Ref .....

**SRC NOMINEE VETTING RESULTS**

President/ Vice President	Total score	Percentage	Remarks
THEOPHILUS QUARTEY	382	54.6%	QUALIFIED
FRED AMESE	270	38.6%	DISQUALIFIED
EMMANUEL ANDREWS SAMINI	486	69.4%	QUALIFIED
GIBBORN ASANTE FITZ	312	44.6%	DISQUALIFIED
<b>Secretary</b>			
VINCENTIA ZUWERATU OPPONWA	420	60%	QUALIFIED
<b>Treasurer</b>			
RUTH YAYRA AGBEEHIA	460	65.7%	QUALIFIED
<b>Women's Commissioner</b>			
SANDRA DOBIL	430	61.4%	QUALIFIED
PRECIOUS AIDOO	410	58.57%	QUALIFIED

Note:

- Qualification Criteria = 50% and above of scores.
- Voting Date: Wednesday, June 22, 2022.
- The Process Will Be Communicated Soon.
- Qualified Nominees are to contact 0559904702 for an important information

Thank you.

**Anita Anyemi**  
**Electoral Commissioner**

THIS IS EXHIBIT / DOCUMENT  
 MARKED FA2 REFERRED TO  
 THE AFFIDAVITS SWORN AT ACCRA  
 THIS 22<sup>ND</sup> DAY OF JUNE 2022  
 BY T. Amese  
 BEFORE ME

EXCELLENCE IN LEADERSHIP, MANAGEMENT & ADMINISTRATION  
 COMMISSIONER FOR OATHS

