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IN THE SUPERIOR COURT OF JUDICATURE. IN THE HIGH COURT OF JUSTICE, ADENTAN
HELD ON THURSDAY THE 28TH OF MAY 2026 BEFORE HIS LORDSHIP JUSTICE KWAME
GYAMFI OSEI

SUIT NO.: GR/AD/HC2/C13/49/26

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

AND

IN THE MATTER OF AN APPLICATION FOR AN ORDER OF JUDICIAL REVIEW PURSUANT
TO ORDER 55 OF THE HIGH COURT CIVIL PROCEDURE RULES 2004, (C.I.47)

AND

IN THE MATTER OF AN APPLICATION BY THE HEREIN NAMED APPLICATION

THE REPUBLIC

VERSUS

GHANA TERTIARY EDUCATION COMMISSION (GTEC) : RESPONDENT

EX PARTE:

1. DR. GABRIEL ASANTE -GYABAAH : 1ST APPLICANT
2. DR. AGYEMAN OFORI : 2ND APPLICANT
3. DR. TWUM AMANKWAA : 3TH APPLICANT
4. DR. MATILDA OBENG KYEREH : 4TH APPLICANT
5. DR. ADWOA BENEWAA BREFO-MANUH : 5TH APPLICANT
6. PROF. CHARLES AKOMEA BONSU : 6TH APPLICANT
7. PROF. ELIZABETH DZIGBORDI OBINNIM : 7TH APPLICANT

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8. PROF. GABRIEL DWOMOH : 8TH APPLICANT
9. DR. COLLINS KWANING OWUSU : 9TH APPLICANT
10. DR. KOFI KWARTENG : 10TH APPLICANT
11. DR. ERIC BOAFO DADZIE : 11TH APPLICANT
12. DR. LAUD TEYE NARTEY : 12TH APPLICANT
13. DR. NINNETE AFI PONGO : 13TH APPLICANT
14. ENGR. JAMAL - DEEN KUKURAH : 14TH APPLICANT
15. DR. BERNICE SERWAH OFOSU- BAADU : 15TH APPLICANT
16. DR. AGYEI SAMUEL BAAH : 16TH APPLICANT
17. PROF. ERIC EDWIN OWUSU : 17TH APPLICANT
18. DR. EDWARD DOMINA ATTAFUAH : 18TH APPLICANT
19. DR. SETH AMOAKO : 19TH APPLICANT
20. PROFESSOR GEORGE O. APPIAGYEI AMPONG : 20TH APPLICANT
21. DR. JUSTICE EBO CRENTSIL : 21ST APPLICANT
22. DR. SUZZY KRIST ADDO : 22ND APPLICANT
23. DR. DANIEL KORSAH : 23RD APPLICANT

AND

OAA CONSULTING LIMITED
PARTY

: INTERESTED

J U D G M E N T

The Applicants obtained various doctoral qualifications from the UNIVERSIDAD EMPRESARIAL DE COSTA RICA (UNEM); also known as Business University of Costa Rica,

between the years 2017 and 2023, which are being used in their various fields of endeavor, mostly in academia. The Respondent per a letter dated 5 November 2025 wrote to the Universities in Ghana derecognizing UNEM and the Certificates issued by it, and which the Applicants claimed it derecognized their doctoral certificates obtained earlier, without any prior notice, consultation, or hearing from them. Since it is this letter that has brought about the present suit, I consider it prudent to reproduce the contents. The main body reads

"NON-RECOGNITION OF UNIVERSIDAD EMPRESARIAL DE COSTA RICA (UNEM)

The Ghana Tertiary Education Commission (GTEC) wishes to inform all Heads of Tertiary Education Institutions, in its communiqué dated 20th October, 2025, it announced the **non-recognition of approximately fifty institutions**, including the **Universidad Empresarial de Costa Rica (UNEM)**.

Following this communication, the Commission has received numerous inquiries and petitions concerning the status of UNEM. GTEC therefore issues this clarification for the attention of all heads of Tertiary Education Institutions and all relevant stakeholders.

In a letter dated 7th August, 2024, the Commission did not **renew the institutional registration of OAA Consulting Limited**, a local partner of UNEM, for the following reasons:

1. **Breach of Registration Terms**- OAA Consulting Limited was registered solely to recruit students for UNEM programmes. However, it went beyond its mandate by engaging local faculty members to teach these programmes- contrary to the terms of the agreement between OAA Consulting Limited and the erstwhile National Accreditation Board (NAB).
2. **Lack of Accreditation**- the degree programmes offered by UNEM were not accredited by the **recognized regulatory body** in its home country, **Costa Rica**.
3. **Involvement of Unapproved Institutions**- Two additional institutions- **Faculty of Technology, Management and Applied Science (South Africa)**

and Universal Trinity College (Florida, USA)-were found to be involved in the delivery of UNEM programmes. These institutions were not part of the initial registration package approved by NAB and were of questionable accreditations status.

- 4. Misrepresentation of Academic Credentials- One of the qualifications of the Chief Executive Officer of OAA Consulting Limited, "Prof." Allan Kwesi Asante- Yeboah (Doctor of Letters), was obtained from Universal Trinity College, an unaccredited institution. Consequently, Asante-Yeboah was directed to cease using the title "Professor", as there was no record indicating he was duly assessed by any recognized tertiary education institution to merit that academic title.**

Considering the above infractions, which violated the conditions under OAA Consulting Limited was granted registration and re-registration, the Institutional Registration of OAA Consulting Limited was revoked, and the entity was directed to cease operations with immediate effect.

For the avoidance of doubt, the **Ghana Tertiary Education Commission (GTEC)** hereby emphasizes that:

Certificates issued by Universidad Empresarial de Costa Rica (UNEM)- including those obtained through online or distance studies or joint degree arrangement – are not recognized by the Commission and cannot be used for teaching, appointment, or career progression within Ghana's tertiary education system.

All Heads of Institutions are therefore advised that this directive supersedes all pervious communication from either GTEC or the erstwhile National Accreditation Board (NAB) concerning the status of Universidad Empresarial de Costa Rica (UNEM)"

Aggrieved by the said decision as contained in this letter, the Applicants have invoked the Jurisdiction of this court for the following reliefs;

1. A Declaration that the Respondent's decision/action contained in its letter dated 5 November 2025, purporting to derecognize or stop recognition of all certificates issued by UNIVERSIDAD EMPRESARIAL DE COSTA RICA (UNEM) is unlawful and in breach of section 31(3) of the Education Regulatory Bodies Act, 2020 (Act 1023) which requires recognition of qualifications by the Respondent office it confirms the recognition of the foreign qualification in the country of origin of the awarding body.

2. A Declaration that the Respondent's decision/action, as expressed in its directive/letter dated 5 November 2025, which retrospectively treat all qualifications issued by UNEM as not recognized, despite its earlier statement of 20 October 2025 that the institution is merely currently not recognized, is ultra vires, irrational, and contrary to settled principles governing the prospective operation of administrative decisions.

3. A Declaration that the purported revocation of the registration certificate of OAA Consulting Limited (OAA), a representative/agency of UNEM in Ghana, is procedurally improper, unlawful, and void, and in breach of sections 24(3), 24(4), and 24(5) of the Tertiary Institutions accreditation Regulations, 2010 (LI. 1984), which requires that the institution which is the subject of revocation is given not less than six (6) months' written notice to rectify the breach failing which revocation will apply and a further declaration that the failure to give gazette notification of the said revocation as required by LI 1984 makes the purported revocation ineffective.

4. A Declaration that the Respondent's decision/directive however styled, purporting to derecognise all degrees issued by UNEM on the basis of the alleged revocation of the accreditation/registration of its Ghanaian representative, OAA, is unlawful and arbitrary, in that the Respondent's own records show that such revocation (albeit unlawful) occurred only on 7 August 2024, with formal notice of derecognition issued only on 20 October 2025, and therefore cannot lawfully operate to invalidate degrees issued prior to that date, derecognition not being capable of preceding its formal communication.

5. A Declaration that the decision (whichever way styled) contained in the letter dated 5 November 2025, providing that UNEM degrees cannot be used for teaching, promotion, or career progression, is unlawful because affected persons, including Applicants with vested rights, were not afforded a hearing, contrary to natural justice and procedural fairness.
6. Declaration that the decision of 5 November 2025, which derecognises or halts recognition of UNEM degrees and prohibits their use for teaching, promotion, or career progression, irrespective of when awarded, is unlawful and void, contravening section 14(4) of L.I. 1984, which preserves the validity of degrees previously granted and respondents' previous practices.
7. A Declaration that the decision contained in the correspondence of 5 November 2025 that UNEM derecognition "supersedes all previous communications" including those relating to recognition of UNEM degrees, is arbitrary, capricious, and unlawful, constituting an improper exercise of discretionary power without regard to clearly vested rights.
8. A Declaration that the decision contained in the correspondence dated 5 November 2025 that UNEM derecognition "supersedes all previous communications", including those relating to recognition of UNEM degrees, is inconsistent with Articles 23 and 296 of the 1992 Constitution.
9. A Declaration that all acts, decisions, refusals, disqualifications, suspensions, or administrative measures taken by the Respondent or any tertiary or public institution pursuant to the decision/directive/notification (whichever way styled) dated 5 November 2025, including decisions on appointments, promotions, confirmations, or career progression based on UNEM degrees, are unlawful, null, and void in so far as they relate to qualifications issued by UNEM before the letter/decision/directive (whichever way styled) on 20 October 2025.
10. An Order of Certiorari quashing the Respondent's directive dated 5 November 2025 and all decisions and actions taken by the Respondent or any tertiary institution giving effect to the directive/decision, insofar as they adversely affect UNEM degrees

awarded to Applicants prior to the notification/ directive/ decision of 20 October 2025.

11. An Order of Mandamus compelling the Respondent and all tertiary institutions that have implemented the Respondent's directive/decision or are in the process of doing so to reverse, set aside, and withdraw all decisions adversely affecting UNEM degrees; and recognise such degrees without reliance on the impugned directive.

12. An Order of Prohibition restraining the Respondent, its agents, or any tertiary institution acting pursuant to the Respondent's directive from enforcing or giving effect to the directive dated 5 November 2025 or any decision founded thereon insofar as they relate to recognition of Applicants' degrees obtained before 20 October 2025.

13. An Order awarding general damages against the Respondent for its unlawful acts and decisions in breach of its statutory duties under the Education Regulatory Bodies Act, 2020 (Act 1023) and the Tertiary Institutions Accreditation Regulations 2010 (L.I. 1984), which breaches resulted in the arbitrary, retrospective, and procedurally unfair deprivation of the Applicants' vested rights and legitimate expectations, contrary to Articles 23 and 296 of the 1992 Constitution.

14. Cost

15. Any further or other orders as this Honourable Court may deem just"

As stated supra, the Applicants have invoked the jurisdiction of this court for an order of judicial review in the nature of certiorari, prohibition, mandamus, injunction, declarations, and damages under Order 55 of C. I. 47. Judicial review in the nature of Certiorari is the procedure by which a superior court is able, in certain cases, to review the legality or otherwise, of decisions or actions by some state actors or institutions including lower courts, and adjudicating bodies which decisions/orders directly or indirectly affect the rights of members of the general public. Judicial review, therefore, allows this court to interfere in the machinery of public administration where circumstances warrant it. Due to the public interest in this matter I again consider it proper to reproduce the positions canvassed by the

parties herein. The 1st Applicant Dr. Gabriel Asante-Gyabaah deposed on behalf of the other 22 Applicants as follows;

1. I am the 1st Applicant herein and depose to this Affidavit on my own behalf and on behalf of the other Applicants, all of whom have duly authorised me to depose to this Affidavit.
2. My address for service is indicated above, and the persons directly affected by this action are the Respondents and Interested party whose address for service are as provided in this process.
3. The facts deposed to herein are within my personal knowledge, except where otherwise stated, and are true to the best of my knowledge and belief
4. All Applicants obtained various doctoral qualifications from the UNIVERSIDAD EMPRESARIAL DE COSTA RICA (UNEM), also known as Business University of Costa Rica, between the years 2017 and 2023 (Evidence of this is contained in the Respondent's evaluation letters and certificates attached and marked as Exhibit "A" series).
5. The Interested Party OAA is the Ghanaian agency/ representative of UNEM, mainly tasked with recruiting local students.
6. We hold various responsible positions in Ghanaian Higher Education and Industry, including Vice Chancellor, Professor, Dean, etc.
7. The Respondent is a regulatory body under the Ministry of Education established by the Education Regulatory Bodies Act, 2020 (Act 1023), with a broad mandate that includes the accreditation and recognition of higher education institutions and qualifications.
8. Prior to the establishment of the Respondent, two main institutions were performing its functions: the National Accreditation Board set up under Act 744, and the National Council for Tertiary Education set up under Act 454. A Legislative Instrument was made pursuant to Act 744, which is still in force The Tertiary Institutions (Establishment and Accreditation) Regulations. 2011 (LI 1984). The

Respondent's current parent law (Act 1023), which came into force in 2020, repealed Acts 744 and 454, consolidating both institutions and their functions under the Respondent's authority.

9. We say that at all material times, the Respondent recognised distance learning and online education as legitimate modes of tertiary education.

10. On 20 October 2025, the Respondent sent a notice to all Tertiary Institutions, which provided a list of universities it described as 'currently not recognised', including our University. (See Exhibit B)

11. We say that prior to enrolling in our respective PhD programmes at the UNEM, we formally sought and obtained confirmation from the Respondent's predecessor body (the National Accreditation Board, now a division of GTEC) regarding the accreditation and recognition status of UNEM (See Exhibit C showing evidence of some of these enquiries).

12. We say that the Respondent responded in the affirmative that the UNEM is an Institution accredited in its home country and also registered with it. (see Exhibit C above)

13. We further say that in reliance on these representations, we enrolled in UNEM's PhD programmes and expended substantial time, effort, and financial resources.

14. We say that we were duly admitted, taught, supervised, examined, and awarded a PhD degree by UNEM.

15. We say that upon completion, the Respondent evaluated, recognised, and expressly endorsed our PhD certificates as valid and comparable to Ghanaian PhDs in accordance with the exercise of its powers under section 8 (e) of its enabling Act. (see Exhibit A4 - A23 above) service for which we paid processing fees. (See Exhibit D attached).

16. We say that most of these confirmations and validations were done by the current Director General in the exercise of his powers under the current law to

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determine whether a foreign qualification is recognised or not (See Exhibit A4- A23 series above)

17. We say that in all these letters, the current Director General gave recognition to the University, the Degree (PhD), and the subject area (Programme) and affirmed its comparability to the Ghanaian PhD without raising any objection.

18. We say that, in further reliance on the Respondent's endorsement, we used these qualifications to secure appointments and promotions within Tertiary Institutions and other institutions in Ghana.

19. We say that the employing institutions independently sought confirmation from the Respondent regarding the validity and comparability of their qualifications, and the Respondent repeatedly affirmed that the Institution and its qualifications were recognised and comparable to Ghanaian PhDs, including the subject area (See Exhibit A3 - 23 above).

20. We say that the respective University Councils, being statutorily empowered to appoint and promote academic staff, relied on the Respondent's representations and endorsements in making these decisions.

21. We say that by a letter dated 5 November 2025, the Respondent, notwithstanding its express prior recognition mostly under its own current law and in exercise of its own powers, purported to derecognise UNEM and, by extension, the our academic qualifications, without any prior notice, consultation, or hearing (See Exhibit E).

22. We state that the Respondent's subsequent letter, which purported to derecognise all qualifications issued by UNEM without qualification or time limitation, was confusing and arbitrary, especially in light of its earlier letter dated 20 October 2025, which limited the Respondent's position to UNEM being "currently not recognised". We reasonably understood this to mean that the Respondent's decision operated prospectively, affecting only qualifications issued from that date onward.

23. We say that the Respondent purported to justify its decision on alleged regulatory breaches by a Ghana-based collaborator/representative (OAA), of UNEM, and an alleged lack of programme accreditation of some programmes of UNEM in Ghana and its home country.

24. We say that the Respondent's letter of 5 November 2025 was addressed to Vice Chancellors of all public Universities and was clear that certificates obtained from UNEM are not recognised, implying that even those obtained long before the first derecognition notice of 20 October 2025 were also affected.

25. We say that this notice was issued without any contemplation or regard for the Respondent's own assurances, validations and representations made to us and our employers about the recognition of UNEM and its degrees, of which we were entitled to rely upon, because the Respondent is the statutory body vested with recognising and validating foreign credentials.

26. We further say that the said letter/directive was issued without due regard to the Respondent's own published records, including on its own official website, which indicate that OAA and its Principal (UNEM) held valid foreign registration certificates issued by the Respondent until 31 August 2023 and that the said foreign registration was revoked only in September 2024. (See Exhibit F series).

27. Accordingly, even if OAA is assumed to have any connection with us, qualifications issued prior to the revocation of its accreditation or registration could not lawfully be affected, and the Respondent's blanket directive to the contrary is unreasonable.

28. We are advised by our lawyer, and verily believe same to be true, that under section 13 of the National Accreditation Board Act, 2007 (Act 744), which governed the Respondent's registration and renewal decisions until the enactment of Act 1023 in September 2020, the only statutory requirement for a foreign tertiary institution to operate in Ghana is the possession of a valid foreign registration certificate.

29. We say that this fact is reinforced by LI 1984, which provides that Foreign Tertiary institutions that desire to operate in Ghana must comply with the procedure spelt out in section 21 of the LI, which includes proof of recognition in their home country as a requirement for obtaining a foreign registration certificate.

30. We state that, as per Exhibit F, at all material times, UNEM and its collaborator in Ghana (OAA) obtained valid registration certificates between 2012 and 2023. With all certificates issued under LI 1984, which is still in force.

31. We say that the repeated issuance and renewal of foreign registration certificates by the Respondent to UNEM and its partner in Ghana (OAA) constitutes evidence that, on each such occasion, the Respondent was satisfied that all applicable statutory and regulatory requirements had been met as required by LI 1984, including accreditation requirements.

32. We say that apart from UNEM and OAA valid registrations, as evidenced by their certificates. Respondent represented to the world on its own website that UNEM is an accredited institution, whose accreditation expired on 31 August 2023. Respondent also confirmed and affirmed unequivocally to UNEM representative in Ghana Allan Kwesi Yeboah Esq. that "Until otherwise communicated, Qualifications awarded by the Business University of Costa Rica are recognised by the National Accreditation Board." (See Exhibit G series)

33. We say that in the circumstances, assuming UNEM or its representative, OAA Consult had failed to comply with any statutory or regulatory requirement, the Respondent would not have renewed its foreign registration in 2020, permitted it to operate openly until 2024, or consistently recognised and affirmed the qualifications issued by its principal (UNEM) over several years and in multiple official communications up to October 2025.

34. We say that the continued registration of UNEM and OAA Consult until purported revocation in 2024, coupled with the Respondent's consistent recognition of UNEM qualifications until 2025, constitutes evidence that all applicable

registration requirements were complied with, and that students were entitled to rely on such registration and recognition.

35. We further say that Respondent has not in any way demonstrated in any of their correspondence that the foreign registrations obtained by OAA in collaboration with UNEM were obtained by Fraud or illegally.

36. We say that the Respondent has not established that any of us is implicated in any alleged breach, nor has it provided any hearing to ascertain any involvement or connection, if any.

37. We further say that all the Respondent's correspondence and representations amply suggest that LI 1984, the law under which these foreign registration certificates were issued, was amply complied with by UNEM and its collaborator for the period until purported revocation.

38. We are advised by our lawyer to say that under Regulation 24, of LI 1984 the Board may only suspend or revoke registration in specific circumstances, including where the holder is unable to operate the institution within three years, fails to renew an expired registration, notifies the Board of an intention not to proceed, or where fundamental changes would have prevented the grant of registration.

39. We are further advised by our lawyer to say that the Regulations require that at least six months' notice be given to rectify deficiencies/situation before revocation and that any suspension or revocation be published in the Gazette.

40. We say that, based on checks from the OAA, the Respondent did not comply with these statutory requirements. There is no evidence of a six month notice given by the Respondent to OAA to rectify the situation, and there is no evidence of any Gazette publication of notice of suspension or revocation. (see Exhibit H series)

41. We further say that there is no evidence in the national gazette of any notice of revocation as required by the law. There has been no formal gazette notification of the said revocation, and it cannot be said to have taken effect.

42. We say that, in these circumstances, the Respondent's purported derecognition, premised on an alleged breach by the OAA consulting, is founded on a breach of statute. As such, assuming without admitting that we were associated with OAA's breaches, which have not been established, OAA's statutory breach cannot form a lawful basis for denying our rights, and the validity of the degrees previously awarded remain unaffected.

43. We are advised by our lawyer, and verily believe same to be true, that under section 14(4) of the National Accreditation Board (Accreditation of Tertiary Institutions) Regulations, 2010 (L.I. 1984), the revocation of a certificate of accreditation does not affect the validity of degrees previously granted. Accordingly, even if the we were associated with OAA and even if there had been a lawful revocation of its accreditation (which is denied), the our qualifications remain valid and are not subject to retrospective invalidation.

44. We are further advised by our lawyer that the same legislative approach is reflected in section 28(5) of the Education Regulatory Bodies Act, 2020 (Act 1023), which provides that the revocation of a university charter does not invalidate degrees previously awarded. Even though, in the case of OAA, it was not a charter but a foreign registration certificate, this demonstrates a clear legislative intention that innocent students should not suffer adverse consequences for regulatory or accreditation breaches, if any, in which they played no part.

45. We say that it is unreasonable, irrational, and unlawful for the Respondent to rely on a subsequent revocation of the registration of OAA to retrospectively invalidate qualifications issued by UNEM that had already been recognised under the law, including the Respondent's current law and in respect of which rights had accrued and been acted upon.

46. We say that the Respondent's public notice dated 4 December 2025 (attached Exhibit J), which provides a list of unaccredited institutions, including University of Ghana Learning Centers and our Institution, directs prospective students and the general public to verify the accreditation and recognition status of institutions with

the Respondent prior to enrolment, purportedly as a measure to safeguard the public interest. This, to our mind, signals that even as of December 2024, the Respondent directs that the surest way for the General public to protect themselves in the higher education sector is to verify with them the recognition status of Institutions before enrolling.

47. We state that this is precisely what they did many years ago, when they formally verified the accreditation and recognition status of the UNEM with the Respondent, and the Respondent expressly confirmed that the institution was duly registered, in good standing, and recognised at the material time.

48. We say that, notwithstanding its own prior confirmation and its present assertion that prior verification is the appropriate and protective course of action, the Respondent now disregards its earlier representations and even its current direction and notices and asserts that our qualifications from the same institution it confirmed as recognised are not valid. We say that this position is inconsistent, unreasonable, and contrary to the very public interest rationale the Respondent claims to advance, as it seeks to penalise persons who complied fully with the Respondent's own guidance and assurances as contained in its most recent notice of 4 December 2025.

49. We further say that the Respondent's conduct discloses bad faith and administrative arbitrariness, in that it ignores its own records, representations, and stated best practices, and instead adopts shifting and contradictory positions which prejudice us. We say that such conduct is inconsiderate, procedurally unfair, and chaotic, undermines legal certainty, and demonstrates a failure by the Respondent to act rationally consistently, and in good faith in the discharge of its statutory mandate.

50. We further say that even if the Respondent possessed the power to review, reconsider, or revise its previous representations or positions, any such exercise of discretion must be carried out fairly, reasonably, and in accordance with law, as required by Articles 23 and 296 of the 1992 Constitution. We say that such discretion cannot lawfully be exercised arbitrarily, or without due regard to vested rights lawfully acquired in reliance on the Respondent's express confirmations and

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directions. The Respondent's conduct, which ignores its own representations, disrupts settled expectations, and imposes adverse consequences without fairness or legal justification, is arbitrary, inconsiderate, and emblematic of administrative bad faith.

51. We are advised by our lawyer, and verily believe the same to be true, that the Respondent has no statutory power to retrospectively withdraw recognition or to extinguish vested and accrued rights lawfully acquired, without affording affected persons a fair hearing or establishing any fault or wrongdoing on their part.

52. We are advised by our lawyer that the Respondent cannot use a mere administrative fiat to revise, vary or extinguish rights acquired under LI 1984.

53. We say that when we got notice of the Respondent's letter derecognising our certificates, we, including other affected persons, instructed our lawyer, Martin Kpebu Esq., to petition the Commission to reconsider its decision, which he did by a letter dated 25th November 2025. (See Exhibit K)

54. We are also informed that OAA appealed to the Respondent to give a two year window for enrolled students to complete. (See Exhibit L)

55. We say that our petition received no response and that the OAA's appeal was refused

56. We say that tertiary institutions relying on this letter/ directive of the respondent have commenced implementation of the Respondent's decision with severe consequences for us.

57. We say that by way of example some of us have been directed to cease using the title "Dr"; some of us have had our promotion placed on hold; the qualifications of some of us holding high academic and administrative status are being investigated and probed with attendant consequences pursuant to Respondent letter/directive/decision and some of us face petitions and processes challenging our continued employment and rank. (See Exhibit M series)

58. We further state that this action has resulted in adverse consequences for us, including: public ridicule and embarrassment (leading to loss of respect before students and colleagues), loss of academic status and reputation, stagnation in promotions, loss of international recognition and network, among others.

59. We say that further adverse actions are threatened, including demotion, withdrawal of positions, and loss of salary and allowances.

60. We are advised by our Lawyer, and verily believe the same to be true, that the Respondent's conduct is unreasonable, unfair, and capricious in that it seeks to visit the consequences of its own regulatory omissions, delays, or failures upon us, who at all material times fully complied with the law and relied on the Respondent's statutory confirmations and validations; and that a public authority cannot lawfully convert its own regulatory lapses into a basis for retrospectively destroying vested rights lawfully acquired.

61. Wherefore we humbly pray this Honourable court to grant the reliefs endorsed on the motion paper. "

The Director General of the Respondent also deposed to an Affidavit in Opposition as follows;

"1. I am the Director General of the Respondent, the Ghana Tertiary Education Commission (GTEC), and as such, I am duly authorized to depose to this affidavit on its behalf. The facts deposed herein are within my personal knowledge derived from my official capacity and from GTEC's records, and I verily believe the same to be true.

2. The Respondent is a body corporate established by the Education Regulatory Bodies Act, 2020 (Act 1023) with the statutory mandate to regulate tertiary education in Ghana. This mandate includes, but is not limited to, the accreditation of institutions, the registration of foreign tertiary institutions, and the recognition and validation of academic qualifications awarded both locally and abroad.

3. The Respondent was duly served with the Applicants' Motion for Judicial Review and the accompanying Affidavit in Support. Having studied the said processes, the Respondent is vehemently opposed to the grant of any of the reliefs

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sought. The application is fundamentally misconceived, lacks merit, and constitutes an abuse of the court's process, and ought to be dismissed in limine.

4. At the hearing of this application, Leaned Counsel for the Respondent will seek to rely on al processes filed in this suit, including all exhibits referenced, as though they were specifically pleaded and incorporated herein.

5. The Respondent notes that the Applicants seek to challenge its decision communicated via a letter dated 5th November 2025, which clarified the non-recognition status of UNIVERSIDAD EMPRESARIAL DE COSTA RICA (UNEM) and directed that qualifications therefrom cannot be used for teaching, promotion, or career progression within Ghana's tertiary education system

6. The Respondent states categorically that the said decision was neither capricious, arbitrary, nor unlawful. It was a necessary and lawful exercise of its regulatory powers, taken in the public interest to uphold the integrity and standards of tertiary education in Ghana.

7. In response to the Applicants' claim that the decision is ultra vires, the Respondent states that its powers are derived from Act 1023 and the Tertiary Institutions (Establishment and Accreditation) Regulations, 2010 (LI. 1984). Section 31(3) of Act 1023, which the Applicants heavily rely upon, does not create an absolute or perpetual obligation to recognise a qualification. Such recognition is contingent upon the awarding institution maintaining its accredited status both in its home country and in compliance with Ghanaian regulations at all material times.

8. The Respondent denies that its decision operates retrospectively. The communication of 5th November 2025 was a formal declaration of a status (non-recognition) that had crystallised due to UNEM's and its agent's failure to meet ongoing regulatory requirements. The decision affects the future use of the qualifications within Ghana's system from the point of notification onwards.

9. The Applicants' heavy reliance on "vested rights" is misplaced. Any right or expectation derived from the Respondent's earlier validation letters was conditional

upon the continued validity of the underlying facts namely, that UNEM was a duly accredited institution. When those foundational facts are vitiated by non-compliance, the conditional recognition granted previously cannot create an indefeasible right.

10. The principle of legitimate expectation cannot fetter the Respondent's statutory duty to act in the public interest. Where, as here, new and credible information reveals that an institution does not meet the required standards, the Respondent is not only entitled but duty-bound to review and correct its prior position.

11. With specific reference to paragraphs 4-6 of the Applicants' affidavit, the Respondent admits that the Applicants obtained qualifications from UNEM. However, the mere possession a degree and its past validation does not immunise it from future regulatory review when the awarding institution's standing Comes into question.

12. In response to paragraph 7, the Respondent confirms its mandate as stated. However, this mandate includes the continuous monitoring and review of accredited institutions and their representatives to ensure ongoing compliance.

13. Regarding paragraphs &-9, the Respondent states that while it recognises distance learning, such recognition does not extend to programs or institutions that fail to meet the substantive accreditation requirements prescribed by law.

14. In answer to paragraph 10, the Respondent admits issuing a notice on 20th October 2025 listing UNEM among institutions "currently not recognised. (Exhibit 1) This was a preliminary notice based on ongoing investigations, which culminated in the fuller decision of 5th November 2025. (Exhibit 2)

15. Concerning paragraphs 11-13, the Respondent does not deny that its predecessor, the National Accreditation Board (NAB), may have provided confirmations regarding UNEM's status years ago. However, such confirmations were based on information available at that time. Regulatory oversight is a continuous process, and institutions are required to maintain standards. Subsequent audits and information received revealed significant deficiencies.

16. The Respondent states that the "evaluation and recognition" letters referenced in paragraphs 14-17 were issued pursuant to a process that assesses an individual's qualification against a benchmark. This process is distinct from, and subordinate to, the institutional accreditation process. An individual evaluation does not constitute a perpetual, unconditional accreditation of the awarding institution itself.

17. In response to paragraphs 18-20, the fact that the Applicants secured appointments or promotions based on the Respondent's earlier validations is noted. However, employing institutions also have a duty to ensure the ongoing validity of the qualifications of their staff. The Respondent's subsequent decision provides the updated, correct regulatory position which those institutions are obliged to follow.

18. The Respondent vehemently denies the allegation in paragraph 21 that the decision was taken without prior notice, consultation, or hearing. Extensive correspondence and engagement took place with UNEM's local representative, OAA Consulting Limited, the Interested Party in this application, regarding multiple breaches of LI. 1984. The Interested Party was the entity legally responsible for ensuring UNEM's compliance in Ghana and was duly given opportunities to rectify the situation. (Exhibit 3).

19. The Respondent states that the obligation to afford a hearing in administrative law is context-dependent. In a case of institutional derecognition based on systemic regulatory failures, the duty of fairness is primarily owed to the institution/representative responsible for compliance (OAA/UNEM), not individually to every degree holder. The Applicants' interests were sufficiently represented through the Interested Party.

20. Regarding paragraph 22, the Respondent denies that its position is confusing or arbitrary. The letter of 20th October 2025 was an interim notification. The letter of 5th November 2025 was the final decision, providing clarity. The phrase "supersedes all previous communications" is a standard administrative clause to avoid confusion and ensure that the most current and accurate regulatory position prevails. A clear perusal of Exhibit 1 shows that on the list of unrecognised

institutions at number 47 was Universidad Catolica De Murcia. However, the Institution through its Embassy in Ghana was able to provide its accreditation documents from Spin and the Respondent upon being satisfied rectified its position and issued a general notice to the public that Universidad Catolica De Murcia is currently recognised. (Exhibit 4)

21. In answer to paragraph 23, the Respondent states that the regulatory breaches by the Interested party were not "alleged" but substantiated. These included failure to maintain valid program accreditation for UNEM's offerings in Ghana and failure to provide evidence of UNEM's ongoing accreditation in Costa Rica for specific programs. Evidence of teaching of students in Ghana contrary to the requirements of foreign registration and the management adopting false nomenclatures such as Honorary Professors, These are fundamental breaches that go to the heart of the recognition framework.

22. Concerning paragraphs 24-26, the Respondent reiterates that its decision is not retrospective. The directive that UNEM degrees "are not recognised" is a statement of current status. It logically follows that if an institution is not recognised, qualifications therefrom cannot be used going forward in the Ghanaian system. This does not legally invalidate the parchment held by the Applicants but regulates its functional utility within Ghana's accredited space.

23. With reference to paragraphs 27-31, the Respondent admits that the Interested Party held registration certificates in the past. However, the repeated issuance of certificates is not an estoppel against the Respondent. Each renewal was based on representations and documentation provided by OAAUNEM at that time. The subsequent discovery that some of these representations were inaccurate or that conditions had lapsed provides a lawful basis for revocation.

24. The Respondent states that the requirement under LI. 1984 for a foreign institution to have a valid registration certificate is a minimum threshold, not the entirety of the compliance requirement. The certificate is premised on the institution

maintaining accreditation in its home country and offering accredited programs. Once this premise fails, the registration is fundamentally flawed.

25. In response to paragraphs 32-34, the Respondent asserts that the continued registration of the Interested Party until 2024 and prior validations do not prove that "all requirements were complied with." They only prove that GTEC, based on information then before it, believed so. Administrative action taken on the basis of mistake or subsequently discovered facts is not unlawful.

26. Regarding paragraphs 35-37, the Respondent states that the processes leading to the revocation of the Interested Party's registration were in substantial compliance with L.I. 1984. The Interested Party was engaged in correspondence regarding the deficiencies. (Exhibit 5) The requirement for gazette notification is procedural and its absence does not nullify a substantive revocation where the affected party was fully aware of the proceedings and the reasons for the action. A fortiori, I have been advised by Learned Counsel that it is the Interested Party that must be challenging this decision and not the Applicants.

27. The Respondent further states that even if there were minor procedural irregularities (which is denied), they would not invalidate the decision given the serious substantive breaches of accreditation standards that were uncovered.

28. In answer to paragraphs 38-40, the Respondent agrees with the general principle that revocation of accreditation does not automatically invalidate previously awarded degrees. However, this principle pertains to the physical certificate and its historical issuance. It does not prevent the regulator from declaring that such degrees are no longer recognised for academic and professional purposes within the national system due to the institution's loss of accredited status.

29. The Respondent denies the assertion in paragraph 41 that its action is retrospective. It is a prospective regulation of the use of a qualification. The Applicants are not being stripped of their certificates: they are being told that those certificates cannot form the basis for academic advancement in Ghana's regulated tertiary sector from the date of the decision forward.

30. Concerning paragraphs 42-44, the Respondent's public notices advising verification of accreditation status are precisely intended to protect the public. The Applicants' case underscores the importance of such notices. It demonstrates that even where an institution was once recognised, its status can change based on non-compliance. The Applicants' grievance lies with UNEMIOAA for failing to maintain the standards upon which their initial verification was based.

31. In response to paragraphs 45-48, the Respondent denies acting in bad faith or being arbitrary. Its conduct has been consistent: to enforce the law and uphold standards. The shift in position was not capricious but was a necessary response to confirmed regulatory failures. To have ignored these failures would have been a dereliction of duty.

32. The Respondent states that the allegation of "shifting positions" is a mischaracterisation. The process moved from an interim notice (20th October) to a final decision (5th November) after concluding investigations. This is orderly administrative process, not arbitrariness.

33. Regarding paragraphs 49-52, the Respondent reiterates that it has no power to extinguish vested rights without cause. However, it has every power to clarify that a qualification, due to flaws in the awarding institution's status, no longer meets the standard for recognition in Ghana. This is a proper exercise of its regulatory mandate, not an extinction of a right.

34. The Respondent notes the petition mentioned in paragraphs 53-54. Such petitions were received and considered as part of the administrative process. The decision of 5th November 2025 represents the Respondent's conclusive position after that consideration.

35. In response to paragraphs 55-56, the Respondent acknowledges that its decision may have consequences for the Applicants. However, these consequences flow from the failure of UNEM and the Interested Party to maintain the requisite standards, not from any unlawfulness on the part of the Respondent. The Respondent cannot be held liable for damages arising from its lawful exercise of statutory power.

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36. The Applicants' claim for a declaration that the Respondent's decision is unlawful is without basis, as demonstrated throughout this affidavit.

37. The remedy of certiorari is discretionary. The Respondent states that it should not be granted because the decision was made within jurisdiction, in good faith, based on evidence, and in the public interest. Quashing it would serve no useful purpose as the substantive issue of UNEM's non-compliance remains unresolved.

38. The remedy of mandamus is inappropriate as the Respondent has already performed its duty by taking a decision. I have been advised by Learned Counsel and agrees that the court cannot mandate it to take a different, specific decision.

39. The remedy of prohibition is not warranted as there is no ongoing or threatened unlawful action by the Respondent beyond the lawful communication of its decision.

40. The claim for a perpetual injunction to restrain the Respondent from performing its core statutory duty of regulating institutional recognition is unprecedented, contrary to public policy, and would cause irreparable harm to the regulatory framework for tertiary education in Ghana.

41. The claim for general damages is unmeritorious. I have been advised by Learned Counsel and agrees that public authorities acting lawfully within their statutory mandate are not liable in damages for the Consequences of their decisions on affected persons, especially where, as here, the root cause lies with the non-compliant actions of the Interested Party.

42. The application is premature in the sense that the Applicants have not exhausted the full spectrum of administrative engagement, as the matter involves their employers and the primary regulated entities (OAA/UNEM).

43. Furthermore, the application is an attempt to use judicial review to achieve a collateral purpose: to compel the Respondent to recognise qualifications from an institution that does not meet the legal standards. I have been advised by Learned Counsel and agrees that this is an abuse of process.

1. WHETHER EXHIBIT "E" INFRINGED THE APPLICANTS RIGHT TO BE HEARD?

As it were, it is for the Applicants who have applied for the said reliefs to prove their case based on the affidavit evidence presented to this court. I would proceed by determining whether Exhibit "E" infringed the Applicants right to be heard before the said letter was issued. From the Applicants affidavit evidence they have maintained that they were not given a hearing before the said letter was issued. Was it necessary for the Respondent to have given them a hearing before issuing out the said letter? Page 2 of Exhibit "E" reads

"Certificates issued by Universidad Empresarial de Costa Rica (UNEM)- including those obtained through online or distance studies or joint degree arrangement - are not recognized by the Commission and cannot be used for teaching, appointment, or career progression within Ghana's tertiary education system." (Emphasis not mine)

From this letter there is no doubt that the Applicants have been affected negatively by the contents of this letter for same, has effectively rendered their certificates useless, whether they are in academia or not. What is the use of a doctorate degree if it is not recognised in Ghana where the Applicants live and work? Since this Letter directly affected the Applicants they ought to have been given the opportunity to defend themselves before the derecognition of their certificates. In my view the Applicants have provided some evidence to support their claim they ought to have been given a hearing before that letter was issued for the contents of the letter affected their doctoral qualifications.

Having provided some evidence to support their claim, the onus is therefore on the Respondent to prove the contrary. The Respondent from its depositions concedes the fact that they were not personally or individually given hearings but maintains that, before the issuance of Exhibit "E" extensive correspondence and engagement took place between it and UNEM's local representative, OAA Consulting Limited, (which is the Interested Party to this application) and that OAA was duly given opportunities to rectify the situation before the issuance of Exhibit "E". With respect this engagement is of no moment in law or in fact because the Applicants are distinct from UNEM or OAA and had obtained their doctorate degrees long before the said letter was written and had no connection with UNEM or OAA as

at the time Exhibit E was issued, hence they ought to have been given a hearing before the issuance of Exhibit E. The Respondent being the administrator of Tertiary Institutions in respect of accreditation and matters related thereto, it ought to have complied with Article 23 of the 1992 Constitution. The said Article provides

"Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal."

The Court of Appeal In the case of **L'AIR LIQUIDE GHANA LTD v. ANIN AND OTHERS [1991] 1 GLR 460-466**, posited that

"Whenever people were given power by law to consider facts and to arrive at conclusions affecting the fate of human beings, they were performing a quasi-judicial function and if the body violated the rules of natural justice the courts had power to declare the procedure invalid, as well as the conclusions therefrom. In the instant case, the administrative inquiry violated the two cardinal principles of natural justice, namely a man might not be condemned unheard,....."

Likewise in the case of **AWUKU-SAO V GHANA SUPPLY CO. LTD [2009] SCGLR 710** the Supreme Court seized the occasion to expatiate on this issue as follows

"In considering this ground of appeal it is worthy to note that even in purely administrative actions some administrative justice is required by way of fairness and reasonableness. It is a Constitutional requirement under Article 23 of the 1992 Constitution that: "Article 23. Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal." As explained by Bamford-Addo J.S.C. in the case of **Aboagye v. Ghana Commercial Bank Ltd. [2001-2002] SCGLR 797 at 806**: ".... article 23 says that administrative bodies and officials shall act fairly. And acting fairly implies

the application of the rules of natural justice, which have been elevated to constitutional rights and are binding on all adjudication and administrative bodies as well as courts and tribunals." Accordingly the Supreme Court held in the Aboagye case supra that the defendant bank, having taken disciplinary action against the plaintiff under the bank's disciplinary procedure rules, should have followed that procedure. The Supreme Court concluded that there was no fair trial as the bank failed to apply the rules of natural justice. In another case of Awuni v. West African Examinations Council [2003-2004] SCGLR 471 the phrase "to act fairly and reasonably" was explained by Kpegah JSC at page 489 in his judgment. He said: "The phrase 'to act fairly and reasonably' in my opinion necessarily imports a duty to observe the common law maxim of audi alterem partem and other principles of natural justice which is very much part of our jurisprudence and are implicit in the constitutional provisions in article 23. Because I cannot contemplate how a person could be said to have acted fairly and reasonably if he did not give notice or hearing to another who was entitled to such notice or hearing before taking a decision which adversely affects his rights; neither can I contemplate a situation where a person could be said to have acted fairly as a judge in his own cause or give a biased and perverse decision."

On her part, Sophia Akuffo JSC expounded further at page 514 thus: "I will not venture to give a comprehensive definition of what is fair and reasonable, since these qualities are dictated by the circumstances in which the administrative function is performed. At the very least however, it includes probity, transparency, objectivity, opportunity to be heard, legal competence and absence of bias, caprice or ill-will"

In the premise I hold that the Respondent violated the Applicants right to be heard before the issuance of Exhibit "E"

2. WHETHER OR NOT EXHIBIT 'E' CONTRAVENED REGULATION 14 OF TERTIARY INSTITUTIONS (ESTABLISHMENT AND ACCREDITATION) REGULATIONS, 2010 [L.I. 1984]

The Applicants who are obligated to prove that the said Exhibit E contravened Section 14 of L.I. 1984 deposed in paragraph 43, 44 and 45 as follows

"43. We are advised by our lawyer, and verily believe same to be true, that under section 14(4) of the National Accreditation Board (Accreditation of Tertiary Institutions) Regulations, 2010 (L. I. 1984), the revocation of a certificate of accreditation does not affect the validity of degrees previously granted. Accordingly, even if the we were associated with OAA and even if there had been a lawful revocation of its accreditation (which is denied), our qualifications remain valid and are not subject to retrospective invalidation.

44. We are further advised by our lawyer that the same legislative approach is reflected in section 28(5) of the Education Regulatory Bodies Act, 2020 (Act 1023), which provides that the revocation of a university charter does not invalidate degrees previously awarded. Even though, in the case of OAA, it was not a charter but a foreign registration certificate, this demonstrates a clear legislative intention that innocent students should not suffer adverse consequences for regulatory or accreditation breaches, if any, in which they played no part.

45. We say that it is unreasonable, irrational, and unlawful for the Respondent to rely on a subsequent revocation of the registration of OAA to retrospectively invalidate qualifications issued by UNEM that had already been recognised under the law, including the Respondent's current law and in respect of which rights had accrued and been acted upon"

Regulation of 14 of L. I. 1984 provides as follows;

"Certificate of accreditation and variation or revocation of certificate

14. (1) The Board shall issue to an institution a Certificate of Institutional Accreditation as in Form 3 of the Schedule and a Certificate of Programme

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Accreditation as in Form 4 of the Schedule, on the grant of accreditation to the institution.

(2) The Board may

(a) vary a certificate of accreditation to conform with national education policy; or

(b) revoke a certificate of accreditation

(i) where the Board is of the opinion that the institution concerned is not carrying out its functions in a proper manner or is in breach of its certificate of accreditation, or any provision of the Act; or

(ii) the revocation is in line with national education policy and the Constitution.

(3) The variation or revocation of a certificate of accreditation shall be communicated in writing to the institution concerned.

(4) The Board shall as soon as practicable after the revocation of a certificate of accreditation cause a notice of the revocation to be published in the *Gazette* and the institution concerned shall cease to be a tertiary institution at the expiry of one year after the date of the publication of the revocation notice, **except that the revocation of the certificate shall not affect the validity of degrees previously granted by the institution** (Emphasis mine)

It is apparent from this Regulation that the revocation of a certificate of accreditation does not affect the validity of degrees already awarded. The Applicants have therefore provided evidence that their degrees cannot be affected by Exhibit "E", and the once again the burden of proving the contrary would be on the Respondent. The evidence provided by the Respondent could be seen in paragraphs 28, 29, 30 and 31 of its Affidavit in Opposition (supra). For ease of reference I reproduce same hereunder as follows;

"28. In answer to paragraphs 38-40, the Respondent agrees with the general principle that revocation of accreditation does not automatically invalidate previously awarded degrees. However, this principle pertains to the physical certificate and its historical issuance. It does not prevent the regulator from declaring

that such degrees are *no longer recognised for academic and professional purposes within the national system due to the institution's loss of accredited status.*

29. The Respondent *denies the assertion in paragraph 41 that its action is retrospective. It is a prospective regulation of the use of a qualification. The Applicants are not being stripped of their certificates: they are being told that those certificates cannot form the basis for academic advancement in Ghana's regulated tertiary sector from the date of the decision forward.*

30. Concerning paragraphs 42-44, the Respondent's public notices advising verification of accreditation status are precisely intended to protect the public. The Applicants' case underscores the importance of such notices. It demonstrates that even where an institution was once recognised, its status can change based on non-compliance. The Applicants' grievance lies with UNEM/OAA for failing to maintain the standards upon which their initial verification was based.

31. In response to paragraphs 45-48, the Respondent denies acting in bad faith or being arbitrary. Its conduct has been consistent: to enforce the law and uphold standards. The shift in position was not capricious but was a necessary response to confirmed regulatory failures. To have ignored these failures would have been a dereliction of duty"

This defence by the Respondent is very difficult to comprehend because it concedes the fact that revocation of accreditation does not automatically invalidate previously awarded degrees but claims that the certificates cannot however be used for academic and professional purposes within the national system due to the institution's loss of accreditation. It is a fact that Certificates are specifically acquired for those professional and academic purposes hence if same are invalidated or derecognized In Ghana and cannot be used for those purposes, then, what should they be used for? This position of the Respondent is specifically against Regulation 14 of L. I. 1984 which is binding on the Respondent and cannot act contrary to it. I fail to see how the Applicants should be held liable for the breaches committed by UNEM or OAA or how the Applicants should hold them (UNEM or OAA) liable

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for their predicament. In the premise I hold that Exhibit 'E' contravened regulation 14 of tertiary institutions (establishment and accreditation) regulations, 2010 [L. I. 1984]

3. WHETHER THE REVOCATION OF THE CERTIFICATE OF REGISTRATION OF OAA CONSULTING LIMITED (OAA) IS PROCEDURALLY IMPROPER, UNLAWFUL AND VOID HAVING REGARD TO REGULATIONS 24(3), 24(4) and 24(5) OF THE TERTIARY INSTITUTIONS ACCREDITATION REGULATIONS 2010 (L. I. 1984)

The position maintained by the Applicants is that per Regulation 24 of L. I. 1984, the Respondent's Board, was obligated to give 6 months' notice to OAA to rectify any breach before suspending or revoking the registration of OAA, but their checks with OAA revealed that no such notice was given and no Gazette publication was done. The said regulation 24 of the Tertiary Institutions Accreditation Regulations [L. I. 1984] provides;

"Refusal of application and suspension or revocation of registration

24. (1) The Board may refuse an application for foreign registration where the Board realises that the applicant is not likely to procure the academic, physical and other resources necessary for the establishment of the institution to which the application relates.

(2) The Board may suspend or revoke a registration if

(a) the holder of the registration is unable to establish and operate the institution within three years after the grant of the registration;

(b) the holder of a registration which has expired fails to renew the registration;

(c) the holder notifies the Board of its intention not to proceed with the establishment of the institution; or

(d) in the opinion of the Board, fundamental changes have occurred and had these changes been in existence at the time of the consideration of the application by the Board, the application would not have been granted.

(3) The Board shall not suspend or revoke a registration unless the institution has been given at least six months' notice to rectify the situation and the institution has failed to do so.

(4) The Board shall, on suspension of a registration indicate the steps which the holder must take before the application is restored.

(5) The Board shall not consider a subsequent application by the same applicant, or in respect of the same or substantially similar proposal within two years after the refusal or revocation of the registration unless good cause is shown by the applicant.

(6) The Board shall publish in the *Gazette* a notice of suspension or revocation of a registration."

From this regulation it is quite explicit that a six month notice ought to be given for the rectification of any anomaly or breach before the suspension or revocation of the registration. In this case I find no such notification requiring the Interested Party remedy any breach. The Respondent in paragraph 26 and 27 sought to say that processes leading to the revocation of the registration satisfied the requirements of Regulation 24 of L. I. 1984. For emphasis it deposed as follows

"26. Regarding paragraphs 35-37, the Respondent states that the processes leading to the revocation of the Interested Party's registration were in substantial compliance with L.I. 1984. The Interested Party was engaged in correspondence regarding the deficiencies. (Exhibit 5) The requirement for gazette notification is procedural and its absence does not nullify a substantive revocation where the affected party was fully aware of the proceedings and the reasons for the action. A fortiori, I have been advised by Learned Counsel that it is the Interested Party that must be challenging this decision and not the Applicants.

27. The Respondent further states that even if there were minor procedural irregularities (which is denied), they would not invalidate the decision given the serious substantive breaches of accreditation standards that were uncovered. "

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Exhibit 5 ,the Revocation letter only pointed out the reasons for the revocation without any provision for remedying the breach within 6 months. The Applicants have once again provided some evidence to support their position and the evidential burden shall be on the Respondent to establish the contrary. The Respondent offered these pieces of evidence in the following paragraphs;

"23. With reference to paragraphs 27-31, the Respondent admits that the Interested Party held registration certificates in the past. However, the repeated issuance of certificates is not an estoppel against the Respondent. Each renewal was based on representations and documentation provided by OAA/UNEM at that time. The subsequent discovery that some of these representations were inaccurate or that conditions had lapsed provides a lawful basis for revocation.

24. The Respondent states that the requirement under LI. 1984 for a foreign institution to have a valid registration certificate is a minimum threshold, not the entirety of the compliance requirement. The certificate is premised on the institution maintaining accreditation in its home country and offering accredited programs. Once this premise fails, the registration is fundamentally flawed.

25. In response to paragraphs 32-34, the Respondent asserts that the continued registration of the Interested Party until 2024 and prior validations do not prove that "all requirements were complied with." They only prove that GTEC, based on information then before it, believed so. Administrative action taken on the basis of mistake or subsequently discovered facts is not unlawful.

26. Regarding paragraphs 35-37, the Respondent states that the processes leading to the revocation of the Interested Party's registration were in substantial compliance with LI. 1984. The Interested Party was engaged in correspondence regarding the deficiencies. (Exhibit 5) The requirement for gazette notification is procedural and its absence does not nullify a substantive revocation where the affected party was fully aware of the proceedings and the reasons for the action. A fortiori, I have been advised by Learned Counsel that it is the Interested Party that must be challenging this decision and not the Applicants.

27. The Respondent further states that even if there were minor procedural irregularities (which is denied), they would not invalidate the decision given the serious substantive breaches of accreditation standards that were uncovered."

From the above, amongst the defences raised by the Respondent is the fact that the Applicants lack the locus standi to question its decision to revoke the registration of OAA. It ought to be noted that the Applicants have been affected negatively by the contents of Exhibit "E" which decision is based on the revocation of the said Certificate of OAA hence they have every right to question the basis of that revocation. Secondly since this issue is aimed at preventing some abuse of power, the Applicants have the legal right to do so. The Supreme Court affirming that position by the Court of Appeal in the case of **THE REPUBLIC vs. HIGH COURT, HO EX-PARTE: NANA DIAWUO BEDIAKO II& ANOTHER (ODUM & OTHERS INTERESTED PARTIES) [2011]2 SCGLR 704** stated as follows;

".. In the Ex-parte Ampomah case referred to supra, the Court of Appeal was called upon to decide on the issue of whether in a certiorari application, the applicant had to establish that he had locus standi i.e. real or substantial interest in the proceedings sought to be quashed. The court of Appeal unanimously held on the above issue in the Ex-parte Ampomah case as follows:-

"The orders of certiorari and prohibition, as the form of the proceedings showed were means for ensuring that the machinery of public administration worked properly and that justice was done to individuals. And because these remedies had a special public aspect to them, an applicant for certiorari or prohibition did not have to show that some legal right of his was at stake. If the action concerned an excess of jurisdiction or abuse of power, for example, the court would quash it at the instance of a mere stranger, although it retained the discretion to refuse to quash it if it thought that no good would be done to the public. The remedies of certiorari and prohibition were therefore not restricted by the notion of locus standi, and every citizen had a standing to invite the court to prevent some abuse of power, and in so doing he might claim to be regarded not as a meddlesome busy body but a public benefactor."

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As stated supra the revocation of a Certificate is sanctioned by law specifically Regulation 24 of L. I. 1984, hence it is incumbent on the Respondent to show that it duly complied with the requirements of the law. From the Respondents narrative it engaged OAA and it has attached Exhibit 3 and 5 to support its position that it indeed engaged the OAA before the revocation. Exhibit 3 is a letter dated 28th February 2024 in which the Respondent made some recommendation to OAA to execute when it was considering its application for institutional re-registration. This letter did not contain any directive to OAA to rectify any breach within 6 months failing which any registration would be revoked or suspended, as contemplated under Regulation 24 of the Tertiary Institutions Accreditation Regulations [L. I. 1984]

That aside the Respondent has not published the revocation in a gazette as required by the said law. It is trite that gazettation gives legal validity and enforceability to any statute, orders, Regulation, declaration etc. if same is required by law to be gazetted. Hence it was incumbent on the Respondent to have complied with that provision and not belittle it by saying that it was a minor procedural irregularity. Clearly the revocation was not done according to law and i so declare.

On the basis of the above findings I make the following declarations

1. I declare that the Respondent's decision/action contained in its letter dated 5 November 2025, which derecognized all certificates issued by UNIVERSIDAD EMPRESARIAL DE COSTA RICA (UNEM) is unlawful and in breach Regulation 14 of the National Accreditation Board (Accreditation of Tertiary Institutions) Regulations, 2010 (L. I. 1984).

2. I further declare that the Respondent's decision/action, as expressed in its directive/letter dated 5 November 2025, which retrospectively treat all qualifications issued by UNEM, derecognized is ultra vires, irrational, and void.

3. I declare that the purported revocation of the registration certificate of OAA Consulting Limited (OAA), a representative/agency of UNEM in Ghana, is procedurally improper, unlawful, and void, and in breach of Regulations 24(3), 24(4), and 24(5) of the Tertiary Institutions accreditation Regulations, 2010 (LI. 1984).

4. It is further declared that the Respondent's decision/directive purporting to derecognise all degrees issued by UNEM on the basis of the alleged revocation of the accreditation/registration of its Ghanaian representative, OAA, is unlawful and arbitrary

5. I further declare that the decision contained in the letter dated 5 November 2025, providing that UNEM degrees cannot be used for teaching, promotion, or career progression, is unlawful and same shall not be implemented by anyone.

6. I further declare that all acts, decisions, refusals, disqualifications, suspensions, or administrative measures taken by the Respondent or any tertiary or public institution pursuant to the decision/directive/notification dated 5 November 2025, including decisions on appointments, promotions, confirmations, or career progression based on UNEM degrees, are unlawful, null, and void in so far as they relate to qualifications issued by UNEM before the letter/decision/directive dated 20 October 2025.

10. I order the Respondent and all tertiary institutions that have implemented the Respondent's directive/decision or are in the process of doing so to reverse, set aside, and withdraw all decisions adversely affecting UNEM degrees; and recognize such degrees without reliance on Exhibit "E".

11. I restrain the Respondent, its agents, or any tertiary institution acting pursuant to the Respondent's directive from enforcing or giving effect to the directive dated 5 November 2025 or any decision founded thereon insofar as they relate to recognition of Applicants degrees obtained before 20 October 2025.

Finally let the Respondent's directive dated 5 November 2025 be brought into this court for the purposes of being quashed and same is accordingly quashed

I am however unable to award general damages in favour of Applicants because Exhibit "E" is yet to be implemented against them by their employers. Indeed any action taken would be unlawful since the said revocation has not been gazetted for same to become enforceable.

Lastly I would not award costs because the Respondent's took those actions in its bid to promote quality Tertiary educational standards in the Country, just that it did not follow due process.

SGD

KWAME GYAMFI OSEI

JUSTICE OF THE HIGH COURT
ADENTAN.

SOLOMON FAAKYE FOR THE APPLICANTS

FELIX AWUAH FOR THE RESPONDENTS

JEMIMA ANTWIWAA AHWIRENG FOR INTERESTED PARTY