

Filed on 9-03-2022
at 2:10
Registrar
SUPREME COURT OF GHANA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA- A.D 2022

WRIT NO:

WRIT TO INVOKE THE ORIGINAL JURISDICTION OF THE SUPREME COURT

J1/17/2022

BETWEEN:

KWAME ASARE OBENG (A PLUS)
H/No. J346/7
Nungua
Accra

PLAINTIFF

AND

THE ATTORNEY-GENERAL
Attorney-General's Department
Ministries
Accra

1st DEFENDANT

MR. MAXWELL OPOKU-AGYEMANG ...

2ND DEFENDANT

TO:

- 1. THE REGISTRAR**
Supreme Court
Accra,

- 2. AND THE ABOVE-NAMED DEFENDANTS**

IN THE NAME OF THE REPUBLIC OF GHANA you are hereby commanded within fourteen days of the service on you of the statement of the Plaintiff's case, inclusive of the day of service, that you file or cause to be filed for you a statement of the Defendant's case in an action at the Suit of **KWAME ASARE OBENG**.

THE RELIEFS SOUGHT ARE AS FOLLOWS:

- a. A Declaration that, on a true and proper interpretation of articles 2(1)(b), 130(1)(a); 130(2) and 136(3) of the 1992 Constitution, Mr. Maxwell Opoku-Agyemang having illegally admitted ten (10) unqualified persons into the Ghana School of Law has demonstrated that he is a person who does not meet the constitutional threshold which requires a **person to be of high moral character and proven integrity** to warrant an appointment as a Justice of the Court of Appeal and by extension a Justice of any of the Superior Courts of Ghana.
- b. A Declaration that, on the true and proper interpretation of articles 2(1)(b), 130(1)(a); 130(2) and 136(3) of the 1992 Constitution, Mr. Maxwell Opoku-Agyemang having been found by a Committee of enquiry set up by the Chief Justice and/or the General Legal Council to have illegally admitted ten (10) unqualified persons into the Ghana School Law makes the said Mr. Maxwell Opoku-Agyemang unqualified for appointment as a Justice of the Court of Appeal and by extension a Justice of any of the Superior Courts of Ghana.
- c. A Declaration that, on a true and proper interpretation of articles 2(1)(b), 88, 41(b) 130(1)(a) 130(2) and 136(3) of the 1992 constitution, the Attorney General of the Republic of Ghana who knows or ought to have known that adverse findings of illegal conduct have been made against Mr. Maxwell Opoku-Agyemang acted unconstitutionally and in complete disregard for the Constitution and his duty as a Citizen to uphold the Constitution when the Attorney General recommended the said Mr. Maxwell Opoku-Agyemang for consideration and appointment as Justice of the Court of Appeal.
- d. A Declaration that, on a true and proper interpretation of articles 2(1)(b), 130(1)(a), 130(2) and 136(3) of the 1992 constitution, the recommendation of Mr. Maxwell Opoku-Agyemang for consideration and subsequent appointment as Justice of the Court of Appeal is unconstitutional and therefore null and void.
- e. An Order striking out the name of the said Mr. Maxwell Opoku-Agyemang from the letter dated 8th February, 2022.
- f. An Order restraining the Judicial Council from considering and/or advising the President on the recommendation of the said Mr. Maxwell Opoku-Agyemang contained in the letter dated 8th February, 2022.

f. Any further or other relief(s) as this Honourable Court may deem fit.

THE CAPACITY IN WHICH THE PLAINTIFF IS BRINGING THE ACTION IS AS FOLLOWS:

The Plaintiff brings the action in his capacity as a citizen of the Republic of Ghana and public interest advocate of the Republic of Ghana.

THE ADDRESS OF THE PLAINTIFF FOR SERVICE IS AS FOLLOWS:

KWAME ASARE OBENG (A PLUS)

H/No. J346/7

Nungua

Accra

THE NAMES AND ADDRESSES OF PERSONS AFFECTED BY THIS WRIT ARE AS FOLLOWS:

1. THE ATTORNEY-GENERAL

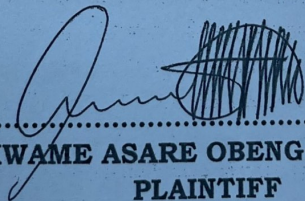
Attorney-General's Department

Ministries

Accra

2. MR. MAXWELL OPOKU-AGYEMANG

DATED AT ACCRA THIS 6TH DAY OF MARCH, 2022


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KWAME ASARE OBENG (A PLUS)
PLAINTIFF