



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

WRIT TO INVOKE THE ORIGINAL JURISDICTION OF THE SUPREME COURT PURSUANT TO ARTICLES 2(1) AND 130(1) OF THE 1992 CONSTITUTION AND RULE 45(1) AND (2) OF THE SUPREME COURT RULES (1996) C.I 16

SUIT NO.

J1/15/2022

BETWEEN

**YAW BROGYA GENFI
Plot 10 Block G
Suame Extension
Kumasi, Ashanti Region**

PLAINTIFF

AND

**1. ATTORNEY - GENERAL
Attorney-General's Chambers
Ministry of Justice, Accra**

1ST DEFENDANT

**2. MR. MAXWELL OPOKU-AGYEMANG
Accra**

2ND DEFENDANT

IN THE NAME OF THE REPUBLIC OF GHANA, you are hereby commanded within fourteen (14) days after the service on you of the statement of the Plaintiff's case inclusive of the day of service, that you are to file or cause to be filed for you a statement of the Defendant's case in an action at the suit of:

YAW BROGYA GENFI

The nature of the reliefs sought are as follows:

- a. A declaration that on a true and proper interpretation of articles 2(1)(b), 136(3) and 144(3) of the 1992 Constitution of Ghana, the 2nd

Defendant, Mr. Maxwell Opoku-Agyemang who has been recommended for nomination by the 1st Defendant, the Attorney-General of the Republic of Ghana to the Judicial Council for advice for appointment by the President of the Republic of Ghana as a Justice of the Court of Appeal is not qualified to be so appointed as a Justice of the Court of Appeal by reason of the findings of the Tony Forson Jnr Chaired Committee set up by the General Legal Council contained in a letter dated 14th February 2022 with **Ref No. SCR 92/VOL. 88**.

- b. A declaration that on a true and proper interpretation of articles 136(3) and 144(3) of the 1992 Constitution of Ghana, the findings by the Tony Forson Jnr Chaired Committee set up by the General Legal Council contained in a letter dated 14th February 2022 with **Ref No. SCR 92/VOL. 88** to the effect that the 2nd Defendant, Mr. Maxwell Opoku-Agyemang, the former Acting Director of the Ghana School of Law illegally admitted 10 students into the Ghana School of Law is not of high moral character and proven integrity for the purposes of being appointed as a Justice of the Court of Appeal.
- c. A declaration that on a true and proper interpretation of articles 136(3) and 144(3) of the 1992 Constitution of Ghana by reason of the fact that the 2nd Defendant, Mr. Maxwell Opoku-Agyemang is not of high moral character and proven integrity, he is not qualified to be recommended for nomination to the Judicial Council for advice and appointment as a Justice of the Court of Appeal.
- d. A declaration that on a true and proper interpretation of articles 136(3) and 144(3) of the 1992 Constitution of Ghana the recommendation for nomination of the 2nd Defendant, Mr. Maxwell Opoku-Agyemang who is not of high moral character and proven integrity by the 1st Defendant, Attorney-General of the Republic of Ghana to the Judicial Council for advice contravenes article 136(3) of the 1992 Constitution and to that extent is null and void and of no legal effect.

- e. A declaration that on a true and proper interpretation of articles 136(3) and 144(3) of the 1992 Constitution of Ghana the 2nd Defendant, Mr. Maxwell Opoku-Agyemang being the subject of disciplinary proceedings by the 3 Member Disciplinary Committee of the General Legal Council namely Mr. Amoak Afoko, Mr. Kwaku Gyau Baffour and Professor Raymond Atuguba is not qualified **(for admitting to illegally admitting 10 students into the Ghana School of Law)** to be recommended for appointment to the Judicial Council for advice as a Justice of the Court of Appeal.
- f. An order of the Honourable Court setting aside the recommendation for nomination of the 2nd Defendant, Mr. Maxwell Opoku-Agyemang by 1st Defendant, the Attorney-General of the Republic of Ghana for appointment to the Judicial Council for advice as a Justice of the Court of Appeal by the President of the Republic of Ghana contained in the letter dated 8th February 2022 with **Ref no. MOJ/SCR/03/22.**
- g. A declaration that the decision to recommend for appointment of the 2nd Defendant, Mr. Maxwell Opoku-Agyemang to the Judicial Council for advice as a Justice of the Court of Appeal by the 1st Defendant, the Attorney-General, being a member of the General Legal Council and being aware of the adverse findings of fact made by the Tony Forson Jnr Committee against the 2nd Defendant for admitting to illegally admitting 10 students into the Ghana School of Law contravenes articles 41(b) and 88(1) and (2) of the 1992 Constitution.
- h. An order of perpetual injunction restraining the Judicial Council from considering the said recommendation of the 2nd Defendant, Mr. Maxwell Opoku-Agyemang for appointment as a Justice of the Court of Appeal by the President of Ghana.
- i. Any other order(s) the Honourable Court may deem fit.

The Capacity in which the Plaintiff is bringing this action is as follows:

The Plaintiff brings this action in his capacity as a citizen of Ghana to seek the interpretation and/or enforcement of the provisions of the Constitution under Articles 2(1) (b) and 130(1) (a) thereof;

The address for service for the Plaintiff is as follows:

**Plot 10 Block G
Suame Extension
Kumasi, Ashanti Region**

The names and addresses of persons affected by this writ is as follows:

1. THE ATTORNEY-GENERAL
Attorney-General's Chambers
Ministry of Justice, Accra
2. MR. MAXWELL OPOKU-AGYEMANG
Accra.

DATED AT ACCRA THE 8TH DAY OF MARCH 2022


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PLAINTIFF

**THE REGISTRAR
SUPREME COURT
ACCRA**

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANTS;

- 1. THE ATTORNEY-GENERAL, ATTORNEY-GENERAL'S
CHAMBERS
MINISTRY OF JUSTICE, ACCRA.**
- 2. MR. MAXWELL OPOKU-AGYEMANG, ACCRA.**