

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE, GENERAL JURISDICTION
DIVISION '13' HELD IN ACCRA ON TUESDAY THE 20TH
DAY OF FEBRUARY, 2024 BEFORE HIS LORDSHIP JUSTICE JOSEPH
ADU-OWUSU AGYEMAN, JUSTICE OF THE HIGH COURT

SUIT NO. GJ/0136/2024

STEPHEN DESU
1 ABABIO TAKOR LANE,
CM-041-30-3086
MANKESSIM

- **PLAINTIFF**

VRS.

1. GHANA EDUCATION SERVICE
MINISTRIES, ACCRA.

- **DEFENDANTS**

2. NATIONAL TEACHING COUNSEL
OPP. UNIVERSITY OF GHANA
CITY CAMPUS, ACCRA.

3. ATTORNEY GENERAL
MINISTRIES, ACCRA

TIME: 09:17 AM.

PARTIES: PLAINTIFF PRESENT

**DEFENDANTS ARE REPRESENTED BY NICHOLINA
NIKOIOLAI**

**COUNSEL: WAYOE GHANAMANNTI FOR PLAINTIFF /
APPLICANT PRESENT**

**STELLA BADU WITH ANASTAS IA ADUSEI TAWIAH
YVONNE OPONG, AND PRISCILLA ADDAI-
KWARTENG FOR THE DEFENDANTS PRESENT**

RULING

There is a Motion on Notice by the Plaintiff/ Applicant seeking an Order to restrain the 1st and 2nd Defendant/ Respondent from operating the Framework for Professional

Development of Teachers, Guidelines for points Based System (Inset and Portfolio) and also to restrain same from deducting various sums from the 'Continuous Professional Development Allowance' for Teachers including the Plaintiff in November 2023 or therefrom until the instant suit is finally determined.

After submissions from both Counsel based on the processes filed it is clear from this Court that all the Framework being operated under the Fees and Charges Act

cannot be restrained by this Court since they are not illegal and the Framework also being operated under the *Education Act, 2008 [ACT 778]* should also be maintained until they are repealed, cancelled, reviewed or terminated under the new *Act of 2020 [ACT 1023]*.

Therefore the new charge of *Ghana One Hundred and Fifty Ghana Cedis (150. 00)* which Counsel for the Defendants concede that it has been abandoned by the Defendants and whose Framework is still under consideration in Parliament cannot be allowed to stand as it is illegal.

For the Fees for the renewal of the License for Teachers, once it is covered by the Fees and Charges Act, it is legal.

Therefore, based on the authorities, the only Fees which is now against an Act of Parliament since it has not been approved and was not existing under the *Old Act of 2008 [ACT 778]* this Court will injunct and or restrain the 1st and 2nd Defendants from deducting such an amount from the Teachers until Parliament has approved it by passing a Regulatory Framework for it as enunciated under *Section 83 of [ACT 1023]*. No order as to cost.

(SGD)

JOSEPH ADU-OWUSU AGYEMAN (REV. FR.)
(JUSTICE OF THE HIGH COURT)