UNIVERSITY OF IEORIN

V

RASHEEDAT ADESINA

SUPREME COURT OF NIGERIA

WALTER SAMUEL NKANU ONNOGHEN JSC *(Presided)*
SULEIMAN GALADIMA JSC
BODE RHODES-VIVOUR JSC
KUMAI BAYANG AKA' AHS JSC *(Rend the Lead Judgment)*
JOHN INYANG OKORO JSC

SC. 166/2009

FRIDAY, 6 JUNE 2014

STATUTORY BODIES - Universities - Award of degrees in - Persons fit for - Proper body seised with power to select - Court - When may interfere therewith

Issue:

Whether the respondent was right to have withheld the examination records and degree of the appellant after she has written an apology to the respondent and paid the restitution fee of N1000 (one thousand naira) as directed by the visitor to the University.

Facts:

The respondent, a student of the appellant, was allegedly involved in a student's demonstration as a result of which she was indicted and referred to the student's disciplinary committee. Rather than appear before the committee, the respondent commenced an action in the Federal High Court, Kwara State, claiming declaratory and injunctive reliefs to the effect that having completed her course in chemistry as requited, the appellant was illegally holding on to her result, an order of mandamus, compelling the appellant to release her academic records and exemplary damages. The trial court granted the reliefs sought and dissatisfied, the appellant filed an appeal to the Court of Appeal. While the appeal was pending, the President of the country set up a committee to reconcile the parties. The resolution of the committee included a recall of the respondent who had been rusticated after an apology and payment of damages by her. Despite her recall, the appellants failed to release her results and the respondent returned to the court. The appellant challenged the jurisdiction of the trial court, which issue was resolved in favour of the respondent The trial court granted the reliefs sought. Aggrieved, the appellant filed an appeal to the Court of Appeal, where the appeal was dismissed. Aggrieved still, it appealed to the Supreme Court, contending that the Court of

Appeal erred by upholding the trial court's decision granted without jurisdiction and without proof of facts alleged.

In determining the appeal, the Supreme Court considered the following statute:

University of Ilorin Act, section 3(i)(e), which provides that:

"3(1) for the carrying out of its objects in section 1 of this Act, the

University shall have power-

(e) To hold examinations and grant degrees to persons who have pursued a course of study approved by the University and have satisfied such other requirement as the University may lay down"

Held: *(Dismissing the appeal)*

Proper body seised with power to select persons fit for award of degrees in Universities and when court may interfere with -

Per AKA'AHS JSC: [Pp. 831 - 832, paras. E-D]

"The appellant has the sole power and responsibility to lay down requirements which must be satisfied before any student who is considered in the opinion of the Senate to be worthy in learning and character to an award of its degree. To this end, it is provided in section 3(1)(e) of the University of Ilorin Act...The issue at stake is the release of the results and not the award of the degree. The respondent was entitled to know the outcome of her examinations. It is the practice of the world over that where a student sits for an examination or completes a course, he or she is entitled to know the outcome of her examinations. It is the practice of the world over that where a student sits fo an examination or completes a course, he or she is entitled to know the outcome of that examination. It therefore beats my imagination why the appellant refused to release the respondent's result on the flimsy excuse that she failed a core course and so, the appellant had no obligation to release a non existent result. It was an unnecessary show of power for the University to turn a deaf ear to the respondent's entreaties to release the results.

The answer to the interrogatories shows that course ICH 209 was taken in 1996/97 academic year and this was before the demonstration in 1998. Was she notified that her score of 36 was a pass or a fail? If she was not notified about her performance in the course, the appellant cannot turn round to blame her for not remedying the deficiency. I

regret to say that the way and manner the appellant handled the issue leaves much to be desired. The resolution of issue 1 is that the court below was not wrong in holding that the trial court had jurisdiction to hear and determine the case.

On issues 2 and 3, there is no doubt that the respondent was allowed to return to the University as a student but the treatment meted out to the respondent after her return has left no one in doubt that the appellant was not happy that the respondent instituted an action in court and from the tone of 'exhibit B', the fate that has befallen the respondent is a fall out from the action. I therefore find that the appeal lacks merit and it is accordingly dismissed"

Per RHODES-VIVOUR JSC: [P. 833, paras. A-F]

"The respondent, a student in the appellant was indicted for taking part in a student demonstration in 1998. She was pardoned after she wrote an apology letter and paid a fine imposed by the University. Yet, the appellant refused to release her results and no reason was given for the refusal.

The courts have no jurisdiction to interfere in the internal or domestic matters of a University. Such matters are within the exclusive province of the Senate of the University and the visitor. But where it becomes clear that in resolving domestic disputes, the University is found to have breached the civil rights and obligations of the respondent, thereby raising issues of public import, the courts would have jurisdiction: *Akintemi & Ors. v. Onwamechili and Ors* **(1985) SC Vol.16 P. 45.**

There is a vast difference between release of results and award of degree. Domestic disputes are those disputes which are solely of interest to members of the University, but the release of results is a matter of some interest to the public and is not strictly a domestic dispute, Afterall, the University has exclusive right to decide who it confers its degrees on. No one can question that. A student who takes part in an examination is entitled to see his results. Refusal to release results is not strictly a domestic issue. Refusal to release results with no reason for the refusal raises issues of breach of civil rights and obligation, denial of fair hearing which are all justiciable. Such a refusal is no longer within the confines of domestic affairs of the University. The courts have jurisdiction to examine such matters. On the other hand, the refusal to award degree cannot be questioned by the courts. That is within the exclusive province of the University. There is no reason why the appellant refused to release the respondent results, and also refused to honour the

pardon given the respondent. The respondent's action is justiciable and the Federal High Court has jurisdiction to hear and determine the case"

Per OKORO JSC: [Pp. 8.13 - 834, paras. H-C]

"I am aware that the courts cannot and will not usurp the functions of the Senate, the council and the visitor of the University in the selection of their fit and proper candidates for passing and for the award of Certificates, degrees and diplomas: *Akintemi v. Onwumechili* **(1985) 1 NCR (Pt. 1)68,** *University of Calabar v. Esiaga* **(1997) 4 NLR (Pt. 502) 719. However, although the general rule is that consideration for an award of degrees and Certificates are in the domestic domain or jurisdiction of the universities, there are however exceptions. As it has happened in the instant appeal, where the student has exhausted all avenues and entreaties, and the University is adamant, as in neither releasing the result nor giving good, substantial and verifiable reasons for withholding the result, even after intervention by the visitor of the University, the student is entitled to approach the court for redress. In such circumstance, the court should not shy away from ensuring that the University authority abides by the law setting up the institution. Award of degrees and Certificates should be done in accordance with the law setting up the University and abide by international best practice. It should not be on the whims and caprices of the personnel saddled with this responsibility. It is on this note that 1 agree with the court below that the Federal High Court had jurisdiction to entertain this matter."**

Nigerian Cases Referred to in the Judgment:

Akintemi v. Onwumechili (1985) 1 NCR (Pt. 1) 68

Madukolu v.Nkemdilim (1962) 2 SCNLR 341

Magit v. University ofAgric Makurdi (2005) 19 NWLR (Pt. 959)

211, (2006) All FWLR (Pt.299) 1313

University of Calabar v. Esiaga (1997) 4 NWLR (Pt. 502) 719

Nigerian Statutes Referred to in the Judgment:

University of Ilorin in Act,Cap. 455,Laws of the Federation of Nigeria**,**

1990

University of Ilorin Act, Cap. U7, Laws of the Federation of Nigeria, 2004.section7(2)(c)

Counsel:

Yusuf Ali, SAN [with him, S. A. Oke Esq., Alex. AkojaEsq., N.N. Adegboye Esq.,K.T. Sulyman (Miss), Mohammed Shehu Esq ., Y. R. Waziri Esq., Nkechi

Aniebonam (Miss). H.Y. Sheeik Esq and A Mansurat Ibrahim (Mrs.)] -*for the Appellant.* A. A. Adewumi - *for the Respondent.*

AKA'AHS JSC (Delivering the Lead Judgment): In June 1998, there was a demonstration by the students of the University of Ilorin. which took place in the Senior Staff quarters located in the main campus of the University. Subsequent to the incident, the Senate of the University set up a committee to investigate the matter" and submit a report and recommendations for consideration by it. In the report submitted by the committee, the respondent and other students were indicted and referred to the Student's Disciplinary Committee (SDC). Although the respondent together with the other students were formally invited to appear before the Students' Disciplinary Committee, she failed to do so and instead, instituted an action against the University, claiming, certain reliefs together with injunction restraining the defendant from commencing disciplinary proceedings against her. The court granted an interim injunction. The reliefs which the plaintiff sought are:-

(a) A declaration that the defendant is statutorily obliged to grant degrees to persons who have pursued a course of study approved by it and satisfied such other requirements as it may lay down.

(b) A declaration that it is illegal for the defendant, either directly or surreptitiously, to require any person to satisfy any requirement as to religious or political persuasion to be entitled to become or continue to be a student and the holder of any degree of the defendant - University.

(c) A declaration that the plaintiff, having pursued and completed a course of study for the award of a B.Sc. Degree in Chemistry, and also satisfied all other requirements prescribed by the defendant and made known by it to the plaintiff, is entitled to lie awarded the same.

(d) A declaration that the defendant is not entitled to keep the plaintiff *incommunicado* as to the reason for the withholding of her academic records and degree.

(e) A declaration that the withholding of the plaintiffs academic records since 2001 when she completed the course of study prescribed by the defendant for the award of a B Sc. Degree in Chemistry without official explanation is capricious, vindictive, oppressive, illegal, unlawful, and constitutes a gross abuse of the defendant's statutory powers and public duties invested on in it the University of Ilorin Act, Cap. 455 of the Laws of the Federation of Nigeria 1990.

(f) A declaration that the withholding of the plaintiff's academic records since 2001 when she completed the course of study prescribed by the defendant for the award of a B.Sc. Degree in Chemistry without official explanation is fair punitive and in breach of the defendant's right to hearing before condemnation and punishment.

(g) An order of specific performance of the agreement brokered at the instance of the defendant's visitor, the President Commander in Chief of the Armed Forces of the Federal Republic of Nigeria, whereby the parties agreed that the plaintiff shall apologise for her student union activities and pay a restitution in the sum of N1,000.00 (one thousand naira) to the defendant and the defendant in consideration thereof shall restore to the plaintiff all the rights reserved for her as a member of the defendant - University under the University of Ilorin in Act. Cap. 455 of the Laws of the Federation of Nigeria 1990, which agreement was subsequently notified by the patties to and judicially noticed by the court on 9 October 2001 in suit No. FHC/IL/M17/98.

(h) An order of mandamus, compelling the defendant to remove forthwith, all the administrative (or like) impediments to and to take all the administrative (or like) steps required for the release of the plaintiff s academic records, including the Degree to which her completed course of study with the defendant entitles her, and for the release of all said academic record and Degree forthwith.

(i) Damages on a footing of exemplary damages in the sum of N20.000.000.00 (twenty million naira).

The defendant was aggrieved and appealed against the order of injunction. During the pendency of the appeal, the President who is the visitor to the University intervened, which led to the setting up of the panel called "Resolution Committee on Politically Victimised and Rusticated Student." Following the resolutions made by the committee, the plaintiff who had been rusticated following her suspension from the University was recalled after she had written to the University authorities and apologised over the role she played in the demonstration in addition to paying a fine of N1,000.00 for the damages caused during the demonstration. Despite her recall her results were never released, hence she has not been able to graduate since 2001. This left the plaintiff with no option but to return to court. During the trial, the plaintiff testified as PWI and tendered some documents. Five witnesses also testified for the defendant. During address, the defendant challenged the jurisdiction of the court which was resolved in favour of the plaintiff. The trial court in its consideration of the case on the merit, found in favour of the plaintiff. The defendant filed its appeal to the Court of Appeal, Ilorin and sought leave to appeal to this court in a motion dated 23 April 2008. The appellant subsequently filed the notice of appeal on 27 May 2008, pursuant to leave granted on 19 May 2008. (See pages 417 - 420 of the records). On 5 June 2008, the appellant filed another notice of appeal (See page 428 of the records). The respondent objected to the latter notice of appeal filed on 5 June 2008 on the ground that no leave was obtained to file the tional grounds of appeal. The appellant filed a reply brief in response to the preliminary objection. The two notices of appeal were filed within time and so, the appellant did not need any leave of court before he could file the second notice of appeal on 5 June 2008. The ground of appeal D relates to issue of jurisdiction which can be raised without first obtaining the leave of

court. The preliminary objection lacks merit and it is accordingly overruled.

The appellant submitted three issues for determination. The issues are as follows:

1. Whether having, regard to the facts and circumstance of this case, the. court below was wrong in holding that the trial court had jurisdiction to hear and determine the case. (Ground 1 of original notice and additional ground of appeal).
2. Whether the appellant resiled from the agreement reached with its visitor when there was no evidence that the respondent was prevented from continuing her studentship. (Ground 2 of original notice of appeal).
3. Whether the court below was not wrong in holding that bias can be reasonably inferred from the intransigence of the appellant. (Ground of original notice of appeal).

Learned counsel for the respondent distilled two issues for determination from the two notices of appeal filed on 27 May 2008 and 5 June 2008 respectively as follows:

1. Whether the lower court misdirected itself on the facts in affirming the trial court's findings of fact
   (a) That respondent's recourse - to this court action was because the appellant had frustrated all efforts by her to obtain redress internally;
   (b) That the appellant's conduct towards the respondent amounted to an attempt to resile from an agreement brokered between the parties by the appellant's visitor; and
   (c) That the appellant's conduct towards the respondent had been influenced by the bias of its then Vice Chancellor against the respondent (Grounds 1, 2 and 3 of the Notice of Appeal dated *26* May, but filed on 27 May 2008 - (pp 417- 420 of the record of appeal)
2. Whether or not the lower court was right in its affirmation of the trial court's assumption and exercise of jurisdiction in the suit.

This is the linchpin issue No. I of this appeal. Learned counsel for the appellant stated that three conditions as laid down in the *locus classics* of *Madukolu v. Nkemdilim* (1962) 2 SCNLR 341 must co-exist for a court to exercise jurisdiction in a matter and where any of the condition is lacking, the court would be without jurisdiction to entertain the matter and anything done in the circumstance would be of no effect. He argued that a cursory reading of the endorsement of the claims on the writ of summons and statement of claim before the trial court will reveal beyond any doubt that the grouse of the plaintiff (now respondent) is the failure of the appellant to release her non-existent result. In other words, what the respondent sought from the trial court was an award of a degree of the appellant. He submitted that the award of a University degree is a domestic matter which the courts are prevented from dabbling into as such matters are not justiciable in any court of law as the Senate of a University being the supreme and ultimate academic authority is the only body with the exclusive power to determine who is fit and proper to be awarded a degree. He contended that the senate did not just arrogate to itself the exclusive power to determine to whom an award of degree should be

made as the power is derived from the University of florin Act Cap. U 7 Laws of the Federation, 2004.

Learned counsel for the respondent while agreeing that it is the plaintiff's claim which determines whether or not the court has jurisdiction in the case, debunked the argument that what the respondent sought from the trial court was an award of a degree of the appellant. He referred to the first six claims in the suit which are declarations seeking to test the propriety of the defendant's performance of its functions and the legality of its conducts towards the plaintiff and referred to section 2 of the University of Ilorin Act which subjects the University to the jurisdiction of the court.

The seventh claim is for an order of specific performance while the eight relief is for an order of mandamus to compel the defendant to discharge its statutory responsibility to the plaintiff while the last two reliefs are claims for damages.

In the court below the appellant raised the same issue of jurisdiction that is being canvassed here. In dealing with the issue, the lower court per Agube JCA after referring to the dictum of Pats. Acholonu in *Magit v. University of Agric Makurdi* (2005) 19 NWLR (Pt. 959) 211 held as follows at P.381 of the records:-

> "Going by this authority, it is clear that here, as in this case, the plaintiff seeks to be awarded the degree for which she has completed her course of study since the year 2001, and even where she has fulfilled call other conditions as spelt out by the defendant's visitor the President of the Federal Republic of Nigeria's brokered agreement, appellant without any explanation or hearing has refused to release her results or award her the said degree, the lower court was seised with jurisdiction to question the act of the University."

Thus, what the lower court decided was the release of the results and not the award of the Degree to the respondent where this court in applying section 7(2)(c) of the University of llorin Act Cap. U 7, Laws of the Federation of Nigeria 2004, held in *Magit v. University of Agric, Makurdi* at page:

> "That in so far as the award of degree or Certificate to a student is concerned, in the discretion to award or refuse to award, the courts have no jurisdiction in the matter. The courts have no business to flirt into the arena of a University. Any attempt by any court, including this court, to dabble or encroach into the purely administrative and domestic affairs of a University, including that of the first respondent that may lead to undue interference, nay, the weakening inadvertently so to speak of the powers and authority of the 1st respondent will not be justiciable oi justified"

Learned counsel for the appellant hinges the appellant's inability to meet the respondent's request of releasing her result to the fact that after the respondent had been pardoned and re-absorbed as a student, she had outstanding courses which she missed during the suspension and as a result, it was practically impossible to release a non-existent result. The lower court had taken up this issue when it said at page **382** of the record:-

> "I have also looked at exhibits H and H1 as against the answers to the interrogatories filed by the learned counsel to the defendant/ appellant and the evidence of DW1 - DW5 which, confirm the assertion and findings of the learned trial judge at pages 150 - 131, that the appellant and witnesses are insincere, vague, evasive, confusing and contradicting in their statements regarding the real offence or reason why the respondent's result is not released till date. I agree with my lord Nnamani J. and I could not have put it better that the appellant ought to be direct, frontal and positive in letting the plaintiff know the case against her (why her result is being withheld), rather than toy with her constitutional right to be informed of the offence or transgression against the law of the defendant after she had apologised and paid the restitution as directed by the visitor of the University who is superior to the Vice - Chancellor and Council of Senate. See section 13 of the University of llorin Act."

The stance taken by the appellants as far back as 11 June 2011 in refusing to release the result of the respondent was because there was a pending appeal. This was what the Vice -Chancellor stated in his letter Ref. No. VCO/131.S.I dated 11 June 2001. which was tendered as exhibit B. In the said exhibit B, he wrote:-

> "University of Ilorin,llorin. Nigeria Office of the Vice - Chancellor
> Vice-Chancellor P.M. 1515
> Professor Shuaibu Oba Abduraheem Cable &
> Telegrams: Unilorin
> B. A. GRAD O. ED (ABU) Telex 33144
> UnilorinNG
> M. A. (Sheffield). Ph. D (Kent) Telephone: 221911
> Fax 222561
> 11 June 2001
>
> Ref No. VC01131.S1
> The Chairman
> Resolution Committee On
> Politically Victimised And
> Rusticated Students & Staff
> Dear Sir,
> *Submission to the resolution committee on politically victimised and rusticated students and staff*
> *Re: letter of Appeal by Akinola Stephen Olanrewaju*
> The above named Mr. Akinola Stephen Olanrewaju. Matric No. 93/043061 of the Department of Statistics of this University, was one of the students actively involved in the violent demonstration by students on the main campus and at the senior staff quarters in early June 1998. The demonstration led to the molestation of innocent members of staff and destruction of their properties.

As a consequence of this episode, Senate set up a committee headed by Professor M. A. Akanji to investigate the matter and submit a report and recommendation to Senate for

consideration. The report indicted Mr. S O. Akinola amongst others, He was therefore referred to the Students Disciplinary Committee (SDC) together with some other students. He was formally invited to appear before the SDC on Monday, 2 November 1998 to defend himself in respect of some allegations of acts of misconduct (See exhibit 1 hereto). Mr. S. O. Akinola did not respond in writing to the allegations nor did he appear before the SDC as directed. Instead, he instituted a civil litigation in court in conjunction with two other students, Miss Adesina Rashidat and Mr. Olalekan Odewo, challenging the competence of the University to discipline them over what they called criminal offences.

The Federal High Court, Ilorin, ruled in their favour that they should not be brought before the SDC as prayed. (See exhibit 2 hereto). The University obeyed the court's ruling and did not compel them to appear before the SDC. The University however, believing that it is wrong to strip it of its authority to call to order an erring student, filed an appeal at the Court of Appeal, Ilorin and the appeal is yet to be determined by the court.

Meanwhile, some other students who were similarly invited before the SDC at the same time appeared and their cases were fairly decided. Amongst those who appeared and were consequently expelled from the University are Femi Adetola. the then President of the Student Union and Wasiu Raji. Both later showed remorse, appealed to Council for pardon and they were pardoned. They have now graduated from the University.

Meanwhile, Mr. Akinola has applied for the release of his rural examination results to enable him proceed on N YSC programme. This could not be entertained as Senate cannot consider his result until the appeal pending against his case is decided one way or the other by the Court of Appeal. Ilorin. At present. Mr. Akinola is neither rusticated nor expelled. He merely has not yet met the conditions for the award of a degree of the Universiy of Ilorin.

With best regards.
Yours Faithfully.
Signed; Professor S O. Abdul Raheem
Vice - Chancellor"

The appellant in the last paragraph of 'exhibit B' stated that the respondent has not yet met the conditions for the award of a degree of the University of Ilorin and tendered exhibits H,H1 and H2. In answer to the interrogatories served on the appellant dated 20 April 2005 on how many courses are still outstanding against the plaintiff, and what the course titles are the reply was "NONE" (See page 160 of the records). The Head of Department however remarked that the total credits offered w as 151 and the credits passed was 131 and the plaintiff failed course ICH 209 which is a core course hence she could not graduate (See page 177 of the records). In a memo sent on 3 May 2000 by Dr. G. O. Adediran HOD Chemistry to Dr. Ogunniyi who took course ICH 209, he wanted Dr. Ogunniyi to confirm whether Miss Rashidat Adesina (Matric. No. 95/043589) attended lectures prior to the examination in ICH 209; ICH 424, ICH 446 and whether she did the required

practical and continuous assignments to which Dr. Oguniyi replied:

> "Miss Adesina attended about 17% of lectures lor ICH 209. However, site submitted her continuous assignments. I am unable to give airy specific information about her attendance at ICI 424 lectures but I did observe her presence most of the time the lectures were held".

The reason that led to the non release of her results is attributed to her failing a core course ICH 209. Unilorin

The appellant has the sole power and responsibility to lay down requirements which must be satisfied before any student who is considered in the opinion of the Senate to be worthy in learning and character to an award of its degree. To this end. it is provided in section 3(1)(e) of the University of Ilorin Act-

> "3(1) for the carrying out of its objects in section 1 of this Act. The University shall have power-
>
> (e) To hold examinations and grant degrees to persons who have pursued a course of study approved by the University and have satisfied such other requirement as the University may (ay down"

The issue at stake is the release of the results and not the award of the degree. The respondent was entitled to know the outcome of her examinations It is the practice of the world over that where a student sits for an examination or completes a course, he or she is entitled to know the outcome of that examination. It therefore beats my imagination why the appellant refused to release the respondent's result on the flimsy excuse that she failed a core course and so. the appellant had no obligation to release a non-existent result, it was an unnecessary show to power for the University to turn a deaf ear to the respondent's entreaties to release the results.

The answer to the interrogatories shows that course ICH 209 was taken in the 1996/97 academic year and this was before the demonstration in 1998. Was she notified that her score of 36 was a pass or a fail? If she was not notified about her performance in the course, the appellant cannot turn round to blame her for not remedying the deficiency, I regret to say that the way and manner the appellant handled the issue leaves much to be desired. The resolution of issue 1 is that the court below was not wrong in holding that the trial court had jurisdiction to hear and determine the case.

On issues 2 and 3, there is no doubt that the respondent was allowed to return to the University as a student but the treatment meted out to the respondent after her return has left no one in doubt that the appellant was not happy that the respondent instituted an action in court and from the tone of 'exhibit B, the fate that has befallen the respondent is a fall out from the action. I therefore find that the appeal lacks merit and it is accordingly dismissed.

I make no order on costs.

ONNOGHEN JSC: I have had the benefit of reading in draft, the lead judgment of my learned brother, Aka'ahs. JSC just delivered.

I agree with his reasoning and conclusion that the appeal has no merit and should be dismissed.

Appeal dismissed

GALADIMA JSC: I have had the privilege of reading in draft, the lead judgment of my brother. Aka'ahs JSC just delivered. I agree with his reasoning and conclusion, resulting in the dismissal of the appeal. I am unable to improve on them. I adopt same as mine. I too, dismiss the appeal. I abide by the consequential orders made in the lead judgment, including costs.

RHODES-VIVOUR JSC: **I** have had the advantage of reading in draft, the lend judgment of my learned brother. Aka'ahs JSC. I agree that this appeal should be dismissed. In view of the importance of jurisdiction, I add a few words of my own.

The respondent, a student in the appellant's was indicted for taking part in a student demonstration in 1998. She was pardoned after she wrote an apology letter and paid a fine imposed by the University. Yet, the appellant refused to release her results and no reason was given for the refusal. The courts have no jurisdiction to interfere in the internal or domestic matters of a University. Such matters are within the exclusive province of the Senate of the University and the visitor. But where it becomes cigar that in resolving domestic disputes, the University is found to haw breached the civil rights and obligations of the respondent, thereby raising issues of public import, the courts would have jurisdiction: *Akintemi & Ors. v. Onwamechili &* Ors.(**1**985)SC Vol.16P. 45.

There is a vast difference between release of results and award of degree. Domestic disputes are those disputes which are solely of interest to members of the University, but the release of results is a matter of some interest to the public and is not strictly a domestic dispute. Afterall, the University has exclusive right to decide who it confers its degrees on. No one can question that. A student who takes part in an examination is entitled to see his results. Refusal to release results is not strictly a domestic issue Refusal to release results with no reason for the refusal raises issues of breach of civil rights and obligation, denial of fair hearing which are all justiciable. Such a refusal is no longer within the confines of domestic affairs of the University. The courts have jurisdiction to examine such matters. On the other hand, the refusal to award degree cannot be questioned by the courts. That is within the exclusive province of the University. There is no reason why the appellant refused to release the respondent results, and also refused to honour the pardon given the respondent. The respondent's action is justiciable and the Federal High Court has jurisdiction to hear and determine the case. For this and and the much fuller reasoning m the lead judgment, the appeal lacks merit and it is dismissed.

OKORO JSC: I have had a preview of the judgment of my learned brother Aka'ahs, JSC just delivered, with which I agree with both the reasons adduced and the conclusion that this appeal lacks merit and ought to be dismissed. My learned brother has set out the facts and issues in this appeal in his lead judgment. I shall abide by the facts and issues as slated therein. I however propose to make a few comments as it touches on the jurisdiction of the court to entertain this matter.

I am aware that the court cannot and will not usurp the functions of the Senate, the council and the visitor of the University in the selection of their fit and proper candidates for passing and for the award of Certificates, degrees and diplomas: *Akintemi v. Onwumechili* (1985) 1 NCR (Pt. 1)68, *University of Calabar v. Esiaga* (1997) 4 NLR (Pt. 502) 719. However, although the general rule is that consideration for an award of degrees and Certificates are in the domestic domain or jurisdiction of the Universities, there are however, exceptions. As it has happened in the instant appeal, where the student has exhausted all avenues and entreaties, and the University is adamant, as in neither releasing the result nor giving good, substantial and verifiable reasons for withholding the result, even after intervention by the visitor of the University, the student is entitled to approach the court for redress. In such circumstance, the court should not shy away from ensuring that the University authority abides by the law setting up the institution. Award of degrees and Certificates should be done in accordance with the law setting up the University and abide by international best practice. It should not be on the whims and caprices of the personnel saddled with this responsibility. It is on this note that I agree with the court below that the Federal High Court had jurisdiction to entertain this matter.

It is also my view that from the facts and evidence led at the trial; the appellant completely resiled from the agreement reached with its visitor as the appellant was unable to rebut the evidence adduced by the respondent on the issue.

It is my view also that bias can reasonably be inferred from the conduct and intransigence of the appellant in relation to its relationship with the respondent.

Based on the above facts and the fuller ones contained in the lead judgment. I agree that this appeal lacks merit and is hereby dismissed by me. I also make no order as to costs.

Appeal dismissed