

Judicial Review and Institutional Accountability in Nigerian Higher Education (1980–2024): Governance Transformation Through Student and Staff Litigation

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Abstract

Original Research Article

Over the past four decades, Nigerian higher education has experienced a steady expansion of judicial oversight in institutional governance, particularly in matters relating to student discipline and staff employment. This article examines how court decisions from 1980 to 2024 have reshaped administrative practices within universities, polytechnics, monotechnics and colleges of education. Drawing on leading and recent cases, alongside educational governance literature, the study demonstrates that principles such as fair hearing, procedural transparency, and statutory compliance have become central to institutional legitimacy. The analysis shows that while courts frequently intervene to protect students and staff from arbitrary decisions, they also uphold institutional authority where due process is observed. Recent developments indicate an increasing judicial interest in emerging governance issues such as disciplinary processes, academic record management, and contractual employment practices. The article argues that judicial review has evolved into a critical external accountability mechanism that is gradually transforming internal governance culture. It concludes that higher education institutions must move from reactive legal compliance to proactive institutionalization of due process to achieve sustainable effectiveness.

Keywords: judicial review, higher education governance, institutional accountability, due process, educational administration.

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Introduction

Higher education institutions in Nigeria occupy a strategic position in national development, serving not only as centers for teaching and research but also as administrative systems responsible for regulating conduct, managing personnel, and maintaining institutional order. Historically, these responsibilities were exercised with significant internal autonomy, often insulated from external scrutiny. Institutional

authorities such as governing councils, senates, and disciplinary committees operated with wide discretionary powers, particularly in matters of student discipline and staff employment.

However, since the 1980s, this autonomy has been progressively redefined. Students and staff increasingly challenge institutional decisions through litigation, thereby drawing the judiciary into the governance space of higher education. What



initially appeared as isolated disputes has evolved into a sustained pattern of judicial engagement with institutional practices. This transformation reflects broader constitutional developments in Nigeria, where the supremacy of the constitution has been reinforced as the ultimate standard for all public institutions (Nwabueze, 2007).

A pivotal moment in this evolution occurred in *Garba & Ors v. University of Maiduguri* (1986). In that case, several students were summarily expelled for alleged misconduct during campus unrest. The university authorities acted swiftly, relying on internal disciplinary mechanisms, but failed to provide the students with an opportunity to defend themselves. When the matter reached the Supreme Court, the court held that the expulsions were invalid because the students had been denied fair hearing. The court emphasized that even though universities possess disciplinary authority, such authority must be exercised in accordance with principles of natural justice. This decision fundamentally altered the legal and administrative landscape of higher education governance in Nigeria.

Since then, courts have continued to define the boundaries of institutional authority, establishing that autonomy must operate within the framework of fairness, transparency, and procedural accountability. This article explores how these judicial interventions have influenced governance practices from 1980 to 2024.

Accountability and Governance in Higher Education

Accountability in higher education has evolved beyond financial reporting and academic performance to include administrative fairness and procedural integrity. Institutions are now expected to justify their decisions not only internally but also in relation to broader societal and constitutional standards.

Judicial review has emerged as a particularly influential form of external accountability. Unlike accreditation bodies, which operate through periodic assessments, courts intervene in response to specific disputes. However, their decisions often produce

long-term systemic effects. As Craig (2016) observes, public institutions must satisfy the requirements of legality, rationality, and procedural fairness. When applied to higher education, these principles demand that institutional decisions be both substantively justified and procedurally sound.

In Nigeria, courts have increasingly emphasized substantive justice, particularly in cases involving fundamental rights (Nwauche, 2009). For educational administrators, this shift implies that governance is no longer judged solely by outcomes but also by the processes through which decisions are reached.

Student Discipline and the Institutionalization of Fair Hearing

Student discipline represents the most visible area of judicial intervention in Nigerian higher education governance. While institutions are entrusted with maintaining order and enforcing standards of conduct, the courts have consistently emphasized that such authority must be exercised within the framework of fairness, transparency, and due process. In effect, disciplinary procedures are no longer viewed as purely internal administrative matters but as processes that must reflect the broader educational values of justice and accountability.

The turning point in this regard remains *Garba & Ors v. University of Maiduguri* (1986), where students were summarily expelled following allegations of misconduct linked to campus unrest. The university acted on the basis of internal reports but did not provide the affected students with an opportunity to defend themselves. When the matter reached the Supreme Court, the court held that the expulsions were null and void because they violated the principles of natural justice, particularly the right to fair hearing. This decision firmly established that disciplinary actions in educational institutions must comply with constitutional standards.

Subsequent cases reinforced and deepened this principle. In *Esiaga v. University of Calabar* (2004), the student was accused of examination malpractice and expelled after an internal investigation. The university maintained that the evidence was

compelling and that swift disciplinary action was necessary to protect academic integrity. However, the Court of Appeal found that the student had not been given adequate opportunity to respond to the allegations or challenge the evidence presented against him. The court held that even in cases involving serious academic offences, institutions are required to follow fair hearing procedures. Consequently, the expulsion was set aside. This case is particularly significant for educational administration because it clarifies that the urgency or gravity of misconduct does not override procedural fairness.

These decisions collectively established that disciplinary authority within higher education institutions must operate within constitutional standards of fairness, transparency, and procedural accountability.

Academic Records and the Protection of Educational Rights

Another recurring issue in litigation involving Nigerian higher education institutions is the withholding of academic results and certificates. While institutions sometimes justify such actions as necessary tools for enforcing discipline or resolving administrative disputes, courts have consistently rejected this approach. Judicial decisions in this area reflect a growing recognition that academic records represent the culmination of a student's educational effort and therefore must be handled with fairness, transparency, and integrity.

A leading case on this issue is *University of Ilorin v. Rasheedat Adesina* (2014). In this case, the student had successfully completed all academic requirements for graduation, but the university withheld her results due to unresolved disciplinary concerns. The institution argued that releasing the results would undermine its authority and weaken its disciplinary framework. However, the Supreme Court rejected this position, holding that academic achievement constitutes a distinct entitlement that cannot be arbitrarily withheld. The court emphasized that once a student has fulfilled the academic conditions for graduation, the institution has a

corresponding obligation to release the results. Disciplinary matters, the court noted, must be handled through appropriate procedures and cannot be enforced indirectly through the withholding of academic records. The decision established a clear boundary between academic evaluation and administrative sanction.

The courts have continued to reinforce this position in more recent cases. In *University of Port Harcourt v. Edwin Chira Nwuzor* (2024), the dispute arose when the university refused to issue a graduate's certificate on the basis of pending disciplinary issues. The institution argued that the certificate could be withheld until the matter was resolved. However, the Supreme Court held that such a position was untenable. The court emphasized that academic certification represents the formal recognition of educational attainment and cannot be used as a bargaining tool in administrative disputes. The court therefore ordered the release of the certificate and reaffirmed the principle that disciplinary processes must be conducted independently of academic certification.

Staff Employment and Procedural Accountability

Judicial intervention in staff employment has been equally significant in shaping governance practices within Nigerian higher education. Employment disputes typically arise from issues relating to dismissal, suspension, promotion, and contractual rights. Unlike student discipline, which often involves short-term consequences, employment decisions have long-term implications for institutional stability, staff morale, and administrative credibility. Consequently, courts have insisted that such decisions must strictly comply with established statutory and procedural requirements.

One of the most significant cases in this area is the litigation involving the "Unilorin 49." In *University of Ilorin v. The Unilorin 49* (2009), forty-nine lecturers of the University of Ilorin challenged their dismissal following participation in Academic Staff Union of Universities (ASUU) strike activities. The university justified the dismissals on grounds of misconduct and absence from duty during the strike

period. However, the Supreme Court held that the dismissals were unlawful because the institution failed to comply with fair hearing requirements and statutory employment procedures. The court ordered the reinstatement of the affected lecturers together with restoration of their rights and entitlements. The decision became a major authority on judicial protection of academic staff rights and limits on university disciplinary powers.

The importance of procedural compliance becomes even more evident in cases involving large-scale administrative decisions. In *NDU & Isaac Jasper College of Education Staff v. Bayelsa State Government (2022)*, approximately 800 employees were dismissed on grounds of redundancy and restructuring. The government argued that the decision was necessary to improve administrative efficiency and reduce financial burden. However, the National Industrial Court found that the dismissals were carried out without adherence to due process. Specifically, there was no evidence of prior consultation with affected staff, no transparent criteria for selecting those to be dismissed, and inadequate documentation of the decision-making process. The court held that such actions violated principles of fairness and labour law protections. Consequently, the dismissals were declared null and void, and the affected staff were ordered to be reinstated with full benefits. This case is particularly instructive for educational administrators, as it demonstrates that even policy-driven decisions must comply with procedural and legal standards.

A related example is *University of Jos v. Ikegwuoha (2013)*, a Supreme Court case involving a lecturer in the Department of Political Science whose appointment became the subject of controversy following complaints and protests allegedly initiated by students. The university relied on the complaints in taking adverse administrative action against the lecturer. However, the Supreme Court emphasized that universities must comply strictly with established employment procedures and cannot rely on irregular or procedurally defective processes in determining the rights of academic staff. The case reinforced the principle that administrative discretion in higher education employment matters must

operate within the framework of fairness, transparency, and statutory compliance.

When Courts Uphold Institutional Authority

Although a significant number of judicial decisions in Nigerian higher education litigation tend to favour students and staff whose rights have been violated, the courts have also demonstrated a willingness to uphold institutional authority where due process is properly observed. Judicial review in this context is therefore not designed to weaken educational institutions or undermine administrative autonomy. Rather, the courts seek to ensure that institutional powers are exercised fairly, lawfully, and in accordance with established procedures.

In many cases, institutions lose not because they lack authority to discipline students or regulate staff conduct, but because they fail to comply with procedural requirements such as fair hearing, proper documentation, statutory compliance, and transparent decision-making. However, where institutions are able to demonstrate adherence to these principles, courts generally defer to their decisions and recognize their responsibility to maintain order and administrative discipline.

This position is evident in *Kaduna State University v. Kawai (2020)*, where a staff member challenged his dismissal for insubordination. The university presented evidence showing that it had issued formal queries, constituted an appropriate disciplinary panel, and provided the staff member with an opportunity to defend himself before the final decision was reached. The court held that the institution acted within its lawful authority and upheld the dismissal. The decision affirmed that judicial intervention is not intended to shield individuals from legitimate disciplinary measures but to ensure that such measures are implemented through fair and lawful procedures.

A similar approach was reflected in the *Covenant University disciplinary case involving Vwamhi v. Covenant University (2013)*. The student challenged his expulsion after pornographic materials were allegedly discovered on his laptop during a disciplinary investigation. He argued that the

university violated his constitutional right to fair hearing. However, the Ogun State High Court upheld the university's decision after finding that the institution had acted in accordance with its established disciplinary procedures and had given the student an opportunity to defend himself before the disciplinary panel. The court emphasized that educational institutions retain the authority to enforce moral and behavioural standards contained in their regulations, provided such standards are applied through lawful and procedurally fair processes.

Similarly, in *University of Ilorin v. Idowu Oluwadare* (2014), the court upheld aspects of the university's administrative actions after finding that the institution had substantially complied with the procedures governing its decisions. The court emphasized that universities retain the authority to regulate internal affairs and enforce institutional standards, provided such powers are exercised within the framework of the law.

These cases illustrate an important principle in educational governance: courts are more concerned with the fairness and legality of institutional processes than with substituting their own judgment for that of university authorities. Consequently, institutions that maintain transparent procedures, properly document disciplinary actions, and respect statutory safeguards are more likely to have their decisions sustained by the courts.

For educational administrators, the implication is clear. Judicial review does not necessarily operate against institutional interests; rather, it rewards procedural integrity and accountability. Institutions that embed due process into their governance structures are better positioned to exercise their authority effectively while also minimizing legal vulnerability.

Implications for Educational Leadership

The cumulative effect of these judicial decisions is a shift toward accountability-centered governance. Educational leaders must now prioritize not only decision-making outcomes but also the processes through which decisions are reached.

Effective governance frameworks should incorporate:

1. Clearly defined disciplinary procedures
2. Transparent documentation systems
3. Training in administrative fairness
4. Internal dispute resolution mechanisms

As noted by Saint et al. (2003) and Okebukola (2008), strong governance structures are essential for institutional effectiveness. Judicial decisions, in this context, serve as catalysts for reform by highlighting deficiencies in existing practices.

Conclusion

From 1980 to 2024, judicial review has played a transformative role in Nigerian higher education governance. Beginning with the landmark decision in *Garba & Ors v. University of Maiduguri*, courts have progressively established that institutional authority must be exercised within the bounds of fairness, transparency, and accountability.

Recent developments demonstrate that judicial oversight is expanding to address emerging governance challenges, including disciplinary administration and evolving employment practices. Rather than undermining institutional autonomy, these developments strengthen governance by promoting procedural integrity and ethical administration.

For higher education institutions, the lesson is clear: sustainable governance depends not on resisting judicial scrutiny but on internalizing the principles that courts seek to enforce.

Recommendations

The growing influence of judicial review in Nigerian higher education clearly demonstrates that institutional governance can no longer rely on discretionary authority alone. Universities, polytechnics, monotechnics, and colleges of education must increasingly recognize that sustainable administration depends on fairness, transparency, accountability, and strict adherence to due process.

Institutions should formally integrate due process into all disciplinary and administrative procedures. Disciplinary actions affecting students and staff should be governed by clearly established frameworks guaranteeing fair hearing, access to evidence, and transparent decision-making procedures.

Educational administrators and disciplinary committee members should receive continuous training in administrative law, constitutional rights, labour law, and principles of natural justice. Such training would reduce procedural errors and improve governance quality.

Higher education institutions should also strengthen internal dispute resolution mechanisms, including appeal systems, mediation structures, and ombuds procedures. Effective internal mechanisms can reduce unnecessary litigation and improve stakeholder confidence in institutional governance.

Institutions must further improve documentation and record management systems. Proper documentation of disciplinary proceedings, employment decisions, and academic records is essential for transparency and legal accountability.

Academic records and certificates should not be used as instruments of administrative punishment. Courts have repeatedly emphasized that educational attainment constitutes an earned entitlement that should not be arbitrarily withheld.

Periodic review of institutional regulations is equally necessary to ensure conformity with constitutional standards, labour protections, and evolving principles of fairness and accountability.

Finally, higher education institutions should view judicial intervention not merely as external interference but as an opportunity for institutional reform and governance improvement. Sustainable governance depends on building systems that naturally comply with the principles of legality, fairness, and accountability expected within a democratic society.

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