REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE
SAN FERNANDO

Claim No**. CV2018-04275**

IN THE MATTER OF AN APPLICATION BY
CANDICE GILLIAN GREENIDGE FOR AN
ADMINISTRATIVE ORDER UNDER PART 56 OF THE CIVIL
PROCEEDINGS RULES 1998 AND THE JUDICIAL REVIEW ACT 2000

AND

IN THE MATTER OF THE UNFAIR TREATMENT AND/OR UNEQUAL TREATMENT OF THE CLAIMANT IN BREACH OF HER RIGHTS AND/OR LEGITIMATE EXPECTATIONS TO HAVE HER DEGREE IN EDUCATION FROM THE UNIVERSITY OF THE WEST INDIES RECOGNISED BY THE RESPONDENTS AND TO BE CONSIDERED FOR

PROMOTION TO THE POST OF TEACHER I (PRIMARY)

AND

IN THE MATTER OF THE VIOLATION OF THE CLAIMANT's
CONSTITUTIONAL RIGHT TO EQUALITY OF TREATMENT FROM
A PUBLIC AUTHORITY IN THE EXERCISE OF ITS FUNCTIONS UNDER SECTION 4(d) OF THE CONSTITUTION OF THE
REPUBLIC OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

BETWEEN

CANDICE GILLIAN GREENIDGE

APPLICANT/CLAIMANT

AND

THE MINISTRY OF EDUCATION

1ST RESPONDENT/DEFENDANT

AND

CHIEF PERSONNEL OFFICER

2nd RESPONDENT/DEFENDANT

AND

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

DEFENDANT

Before: The Honourable Mr Justice K Ramcharan

Delivered: 1st November 2019

Appearances:

Mr. A. Ramlogan SC., Ms. A. Rambaran instructed by Mr. V. Sieusaran for the Claimant/Applicant

Mr. S. Lalla, Ms. K. Mohan instructed by Ms. A. Mark and Ms. S. Lalchan for the First and Third Defendants/Respondents.

DECISION

Facts.

1. The applicant is currently an Assistant Teacher Primary (ATP). According to her evidence, she had desired to become a primary school teacher and that by memorandum issued in 2009, she understood that the Teaching Diploma offered by the Teacher's Training College was being replaced by a degree. However, the memorandum did not indicate which schools and which degrees were approved.

2. As a result of this, she went to the Ministry of Education herself and spoke to one Mr Paul, who indicated to her that any degree from a university accredited by the Accreditation Council of Trinidad and Tobago would be sufficient to enable her to be qualified for consideration for promotion to the position to Teacher I. She was also advised that after a year's service as an ATP, she would be entitled to be considered for an "in-service" scholarship at the University of Trinidad and Tobago (UTT) to pursue the degree.

3. As a result of this, in July 2011, the Claimant submitted the relevant documents to the Ministry of Education, in order to be considered for the in-service scholarship. However, she was advised you one Mr Sheppard, that the scholarship was only for persons who did not have a first degree and as she had a BSc in Information Systems Management, she was ineligible to be considered for the scbholarship.

4. She alleges that Mr Sheppard then indicated to her that she would have to pursue the B.Ed on her own, if she wished to be appointed as a Teacher I, and advised her that she could pursue it at any of three institutions, UTT, The University of Southern Caribbean (USC) and the University of the West Indies. The Claimant chose to pursue it at the UWI.

5. She completed the degree in 2014. She thereafter submitted her documentation to the Ministry to be considered for promotion to the position of Teacher I (Primary) (T1P). She was then informed by on Ms Ingrid Kemchand that some issues had arisen with respect to the UWI degree, and that she (the Claimant) may have to complete some further courses in order to be considered for promotion to T1P. The Claimant indicated that she had been told that the UWI degree would have been sufficient to which Ms Kemchand replied that there was nothing that could be done about it, and that there were internal politics being played out.

6. Later, she was informed by Ms Kemchand that she would need to complete a bridging programme to supplement her qualifications in order to be considered for the position of T1P. She completed the programme in August 2015, and submitted the certificate to the Ministry for consideration.

7. Upon making checks at the Teaching Service Commission, she was advised that her documentation had not been transferred to the Commission. She then made several enqiries at the Ministry, with the CPO, and even as far as the Minister of Education in order to have the matter resolved but to no avail. To her further disappointment, she realized that persons with degrees from UTT and USC were held by the CPO to have obtained sufficient qualifications, and were in fact being upgraded to the position of T1P.

8. As a result of this, in May 2018, the Claimant caused a request under the Freedom of Information Act, and a pre-action protocol letter to be sent to the Ministry of Education, the CPO and the Teaching Service Commission. In a response to her Freedom of Information request she learnt that in 2015, the CPO advised that the degree from UWI was insufficient. Further, the Ministry of Education provided correspondence dated 1st March 2016 and 18th January 2018 to the effect that the Minsitry was satisfied that the programme offered by UWI, with respect to the degree and bridging programme was sufficient.

9. The CPO in her response had also indicated that they were reviewing the position and that a decision would have been made with respect to the same by 30th August 2018. However, up to the filing of the fixed date claim, no such decision was taken.

10. As a result of the above, the Claimant applied for permission to apply for judicial review, which was granted. The fixed date claim was filed on 30th November 2018, in which the Claimant sought the following relief:

a. A declaration that the Claimant has a legitimate expectation that her Bachelor of Education Degree (Primary) from UWI, together with the Bridging Programme Certificates would be recognized by the Respondents/Defendants as having satisfied the training requirements for the office of Teacher I (Primary) in consequence of which she would be qualified and eligible to be considered for promotion/appointment to the office of Teacher I (Primary) and the legitimate expectation has been breached and/or violated by the action/conduct by the said Respondents/Defendants.
b. A declaration that the Claimant is suitably qualified and eligible to be considered for re-assessment and/or appointment to the rank of Teacher I (Primary).
c. A declaration that the Chief Personnel Officer has no jurisdiction in law and has acted ultra fires in purporting to conduct an assessment of the degree in Education from the University of the West Indies and/or the Bridging Certificate in relation to the degree in Education from the University of Trinidad and Tobago (sic) to determine whether the Claimant could be considered as having satisfied the training requirements for the office of Teacher I Primary.
d. A declaration that there has been unreasonable delay in determining whether the Claimant could be considered as having satisfied the training requirements for the office of Teacher I (Primary).
e. Alternatively, an order of mandamus directing the Chief Personnel Officer to make a determination on whether the Bachelor of Education (Primary) from

UWI together with the Bridging Programme Certificates satisfies the training requirements for the office of Teacher I (Primary).

f. A declaration that the Ministry of Education's finding that teachers who are holders of the Bachelor of Education degree (Primary) from UWI together with the Bridging Programme Certificates have met and/or satisfied the training requirements for the office of Teacher I (Primary) is valid, proper and binding on the Respondents/Defendants.

g. A declaration that the Claimant has been treated unfairly, in breach of the principles of natural justice.

h. An order of mandamus directing the First and Second Respondents to consider the Claimant for reassessment and/or appointment to the rank of Teacher I (Primary)

i. A declaration that the Claimant's right to equality of treatment from a public authority in the exercise of its functions and/or the right to protection of the law under sections 4(d) and (b) of the constitution have been breached and violated.

j. Damages to include monetary compensation and vindicatory damages for breach of the Claimant's constitutional rights particularly her right to equality of treatment under section 4(d) of the Constitution.

The latter 2 relief being sought under section 14 of the Constitution.

11. The First and Third Respondents filed 4 affidavits in response to the application. Affidavits were filed by Navindra Paul, the person referred to as Mr Paul in the Claimant's affidavit, Ms Ingrid Kemchand, also referred to in the affidavit of the

Claimant, and 2 by Beverly Halls-Gilalta. The Affidavit of Mr Paul seeks to bring into issue certain averments by the Claimant in her affidavit, specifically relating to the representations allegedly made by him to the Claimant. Likewise, the affidavit of Ms Kemchand denied specifically telling the Claimant that the delay was the result of internal politics. In light of the events that subsequently transpired, these factual differences are of little consequence.

12. All the deponents for the Respondent sought to layout the procedure that the various tertiary institutions had to undergo to have their programme approved for holders to be eligible to be appointed as T1Ps. in essence, a division within the Ministry, the Curriculum Planning and Development (the CPDD), which reviewed the content of the degree programme and recommended to the CPO whether it should be considered sufficient to entitle the holder to be appointed.

13. With respect to UWI, it was noted that a bridging programme was instituted in 2015, and in March 2016, the CPDD wrote to the CPO and recommended that persons with a combination of the Education degree and the bridging certificate from UWI be deemed appropriate for appointment to T1P. However, no action was taken by the CPO until September 2017, when after enquiries, the CPO responded to a follow-up enquiry from the CPDD saying that clarification on certain issues was required. That clarification was provided in October 2017, and up until the 02 April 2019, although there were many meetings between the CPDD and the CPO, no further requests for clarification had been received.

14. The Second Defendant took no active part in the proceedings, filed no evidence and made no submissions in the matter.

15. On the Friday before the hearing of the Application, the First and Third Respondent filed a supplemental affidavit of Ms Halls-Gilalta in which it was deposed that by memorandum dated 27th June 2019, the CPO advised that the UWI degree together with the bridging certificate could be accepted as an alternative qualification for T1P.

Submissions

16. It is to be noted that the First and Third Defendants filed no submissions in the matter, and the only submissions made were the oral submissions by counsel at the hearing of the Fixed Date Claim.

Should Court make an Order in this Claim?

17. At the hearing of the Application, the First and Third Respondent argued that in light of the memorandum by the CPO, the matter was now an academic one and therefore ought not to be ventilated as the courts do not entertain matters which are solely of academic interest. The Claimant opposes this submission, stating that as the Claimant sought damages, then the proper course of action would be to send the matter for assessment.

18. The First and Third Respondent cite in support of their position the Privy Council decision of ***Singh v The Public Service Commission***[1]. In that matter, the Appellant had

[1] [2014] UKPC 26

applied for the position of Motor Vehicle Inspector I in the Ministry of Works and Transport. He filed the claim alleging that he had been wrongly been overlooked while other officers who were junior to him had been appointed. After the claim was filed, he was appointed to the position of Motor Vehicle Inspector I. He had not applied for financial or other substantive relief, but sought a declaration that the Commission had acted wrongly.

19. At paragraph 16 of the opinion of the Board, Lord Carnwath stated as follows: **"the Board cannot leave the case without expressing concern at the time and expense which must have been incurred, both by the appellant and the respondent Commission (not to speak of court resources), in pursuing this appeal to this level. Even if it had been successful it would have achieved no substantive benefit other than possibly a declaration as to the legality of decisions made almost a decade ago. However, it is not the practice of the Board to grant declarations of law in the abstract or for no practical purpose."** (emphasis supplied). The First and Third Respondents urged the court to deal with the instant matter in similar fashion as the ***Singh*** matter as there was no substantive benefit to making any declaration.

20. The Claimant for her part relied heavily on the case of ***Vijay Singh v Ministry of Agriculture, a Land and Fisheries et al***[2]. In that matter, the Applicant was a Forester I who had proceeded on a government scholarship to the University of Idaho where he obtained a degree in Resource, Recreation and Tourism. He claimed that he had

[2] (unreported) Civ App S90 of 2017

been wrongfully overlooked for the position of Assistant Conservator of Forests, and filed for judicial review as well as for relief under the constitution.

21. In that case, the court of appeal held that the Claimant had been deprived of his right to equality of treatment as there were 2 comparators who were similarly circumstanced, in that they had identical degrees from the same university, and that the position under consideration was the same. They further found for the Appellant in respect to his claim for judicial review, and sent the matter back to the trial judge for an enquiry into damages.

22. The First and Third Respondent sought to distinguish the case by alluding to the fact that in that case the question of the judicial review was still live and further, that there were similar comparators in that case.

23. In reaching a determination, it must be noted that in respect of the application for judicial review, the Claimant has not made any claim for damages, therefore, it would not, in my view, be appropriate to consider whether the Claimant is entitled to any of the relief sought in respect of the claim for judicial review. The Claimant has in effect obtained what she sought out to obtain, and to delve any further would be to run afoul of the well-established principle that a court will not grant any declaration which is abstract or serves no practical purpose.

24. However, with respect to the claim for relief under section 14 of the Constitution, the Claimant has claimed damages. In that regard, it becomes necessary for the court to determine whether the Claimant's constitutional rights have been breached.

The Constitutional Claims

25. In her claim, the Claimant sought declarations that her rights under section 4(b) and section 4(d) had been breached. Section 4 in so far as it is relevant states: **"It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely: … (b) the right of the individual to equality before the law and the protection of the law; … (d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;…"**

26. The relief being sought by the Claimant can therefore be broken down into 2 aspects, that is to say, equality of treatment and protection of the law.

Was there a breach of Section 4(d)?

27. With respect to the question of equality of treatment, the question that first must be considered is what constitutes an appropriate comparator. The First and Third Respondent submitted that a suitable comparator must be another person with a degree from UWI and the bridging certificate. I accept this submission. It would be wrong to consider persons with the same degree from different institutions as being similarly circumstanced as the content and curriculum of the degrees may vary from university even though they may carry the same name. An example of this would be that an LL.B from UWI would be markedly different from an LL.B from Australia or the UK, or Canada, as while the legal systems there are similar, there are significant differences in law. It would therefore be very prudent for the relevant authority to

scrutinise each degree on its own to see whether the curriculum and syllabus is such that it covers the requirements of the position in question. In the circumstances, I hold that a suitable comparator in the instant case would be persons holding a degree from UWI with the bridging certificate.

28. In that regard, the Claimant has not been able to provide any evidence that there is any person in such circumstances who have been appointed T1P. In fact the evidence seems to suggest that the persons with degrees from UWI were not being appointed. In the circumstances, the Claimant has failed to establish that her right to equality of treatment under section 4(d) of the constitution were breached.

Was there a Breach of Section 4(b)?

29. Turning now to the question of the protection of the law, it would be useful to go through the history and development of this right in Trinidad and Tobago and in the wider Common Law jurisdictions.

30. One of the earliest matters where the question of the right to the protection of the law arose is the case of ***McLeod v the Attorney General***[3]***.*** In ***McLeod,*** the Respondent was challenging the passage of an Act which altered the way Parliament operated. In addressing the question of whether the Respondent to the Appeal had been denied protection of the law, the Privy Council stated, **"so long as the judicial system of Trinidad and Tobago affords the procedure by which any person interested in establishing the invalidity of that purported law can obtain from the court of justice,**

[3] [1984] 1 All ER 694

in which the plenitude of the judicial power of the state is vested, a declaration of invalidity that would be binding upon the Parliament itself and upon all persons attempting to act under or enforce the purported law. Access to a court of justice for that purpose in itself is the protection of law."

31. It is to be noted however, that in ***McLeod***, the Privy Council declined to give a comprehensive definition of what was meant by protection of the law, so this decision cannot be taken to be an exhaustive examination of the issue.

32. The scope and extend of ***McLeod vs The Attorney General*** has recently been examined by the Court of Appeal, firstly in the case of ***The Attorney General vs Oswald Alleyne and others***[4], from paragraphs 38 to 46 and in ***Jason Bissessar vs The Attorney General of Trinidad and Tobago***[5].

33. At paragraph 41 of ***Oswald Alleyne***, the court stated: **"Mr. Sinanan contended that protection of law under Section 4(b) provided the Respondent with a remedy of accessing the court to compelled the relevant minister to make necessary regulations, once access to the court was available to them the Respondent could not claim to be denied the protection of law, he relied on the Attorney General of Trinidad and Tobago vs McLeod, he contended that the right to the protection of law under Section 4(b) does not encompass a right to access to a particular court rather the section is satisfied, once they can access to ordinary court of the land as they have done in this case."**

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[4] Civil Appeal 52 of 2003
[5] Civil Appeal No. P136 of 2010

34. At paragraph 43 the court went on to state: **"Neither can I accept Mr. Sinanan's main submission that the respondents' access to the High Court is a sufficient remedy. That is far too limited a construction of section 4(b). The decision in *McLeod* is an example of one of the many facets in the term *"protection of law"*, which is a wide and varied concept. See the decision of the Caribbean Court of Justice in *Attorney General and others vs Joseph and Boyce* 2006, 69 WIR 104, n which the breadth of the term *"protection of the law"* was considered. There the court had to consider its power under the Barbados Constitution to enforce the right to protection of the law, and to grant a remedy for its breach. In a joint judgement on behalf of the majority, de la Bastide P and Saunders J stated (at paragraph 60) that:**

    "… the right to the protection of law is so broad and pervasive that it would be well nigh impossible to encapsulate it in a section of a Constitution all the ways in which it may be invoked or can be infringed."

35. The Court stated further at paragraph 46 of the judgement: **"the term protection of law, thus <u>cannot be given the construction given to it in *McLeod* which turn on its own facts and circumstances</u>. In the present case the Respondents claim to have been derived of access to Industrial Court by the failure to make Regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition of the Statutory Authority of existing Associations and Associations form under section 25(2). The question is whether the Judge was right to find that such failure with the breach of the protection of law I consider that she was."** (Emphasis supplied)

36. In ***Bissessar*** the Court of Appeal stated at paragraph 40: **"The trial Judge was of the view that while they was *'obvious flaws'* in the manner in which there Appellant's detention was administered, once access to the court remained available to him, there could be no complain about the breach of Section 4(b). The Judge erred in placing such a limited construction on Section 4(b). *'Protection of the law'* under Section 4(b) is not confined to a citizen's accessing the courts. A far more expansive interpretation has been adopted by our courts."**

37. They then go on to quote again the passage in ***Joseph and Boyce*** quoted in ***Alleyne*** above. Reference is then made to another Caribbean Court of Justice case ***The Maya Leaders Alliance vs The Attorney General of Belize***[6]***,*** at paragraph 47 part of which states:

    "The law is evidently in a state of evolution but we make the following observations. The right to protection of the law is a multi-dimensional, broad and pervasive constitutional precept grounded in fundamental notions of justice and the rule of law.

    The right to protection of the law prohibits acts by the Government which arbitrarily or unfairly deprive individuals of their basic constitutional rights to life liberty or property. It encompasses the right of every citizen of access to the courts and other judicial bodies established by law to prosecute and demand effective relief to remedy any breaches of their constitutional rights. However, the concept goes

[6] 2015 CCJ 15

beyond such questions of access and includes the right of the citizen to be afforded, 'adequate safeguards against irrationality, unreasonableness, fundamental unfairness or arbitrary exercise of power.'" (emphasis supplied) Reference is also made to the decision in ***Oswald Alleyne***.

38. The Court went on further to state **"The Appellants right to the protection of law require that the executive periodically review and consider his case. It also required that there is a procedure to be adopted to facilitate his discharged by the President should such a review reveal himself fit to take his trial. This is entitlement was separate and apart from any right of access to the court which the Appellant enjoyed. There was an onus on the state the treat the Appellant to monitor him and access whether his mental health had sufficiently progress to permit him to take his trial."**

39. In other words what the Court of Appeal is saying is that access to the court is not sufficient for there to be adequate protection of the law. An individual must be protected from irrationality, unreasonableness, fundamental unfairness or arbitrary exercise of power.

40. Applying this to the instant case, the court notes with some concern that from March 2016 to September 2017, the Second Respondent seems to have done precious little with respect to the recommendation by the CCPD, and only after prompting was clarification on a matter sought. Even less seems to have been done from October 2017 when the clarification was sent, to June 2019 when the Second Respondent

finally confirmed that the UWI degree together with the bridging certificate were suitable qualifications. There was no evidence put forward by the Second Respondent accounting for this lapse in time and in my view, it was completely unjustifiable. The question of whether the CPO should accept the recommendation of the CCPD a matter which should take weeks or months, not years. Further, from the evidence it appears that the Second Respondent paid little or no regard to the matter until it was prompted into action by the officials of the CCPD and the Ministry.

41. The question which arises therefore is whether this delay is sufficient to find that there has been a breach of the Claimant's constitutional rights. It is my view that when one considers what the CCJ said in the Mayan Leaders Alliance case, the inevitable conclusion is that it can be.

42. The result of unreasonable delay is that persons who may be waiting for a state or government body to take some action or make some decision in order to proceed with their business, or profession may suffer loss as a result of such an action. An example which springs to mind is the granting of approvals to build by the Town and Country Planning Division and/or the relevant Municipal Corporation. If these bodies take too long to deal with the applications, developers and home owners could suffer loss either through having to mobilise and demobilise construction, or having to seek alternative accommodation, or losing a business opportunity. Such a result would in my view be fundamentally unfair to the individual. Another example would be where a person makes an application for a scholarship and the body in charge of approving the application takes unduly long to make the decision. Again, it would be

fundamentally unfair to the applicant because the opportunity for the scholarship may have passed by the time a decision is made.

43. In the instant case, the unreasonable delay by the CPO in properly considering whether the UWI degree coupled with the bridging certificate is clearly fundamentally unfair to the Claimant as this has meant that she is not able to be appointed to the position of T1P, and is unable to determine whether in the circumstances she ought to obtain the degree from another institution in order to obtain those qualifications. She was in a period of complete limbo.

44. In the circumstances, I hold that there has been a breach of the Claimant's fundamental right to protection of the law under section 4(b) of the constitution. In my view, the CPO ought to have come to a decision within 6 months of receiving the recommendation from the CCPD in March 2016, if it had dealt with the matter in an appropriate manner.

Damages

45. The next question to determine is in light of this, whether the Claimant ought to be awarded damages, and if so, what is the appropriate measure of damages. There is no doubt that as a result of the Respondents' actions in this case, especially the Second Respondent, the Claimant has suffered loss. Her ability to be appointed T1P has clearly been negatively affected. In the circumstances, I am of the view that an award of damages would be appropriate.

46. The Claimant also sought vindicatory damages and claimed the following reasons:

a. That she was at first told that she would be entitled to a scholarship to attend UTT, but then subsequently found out that she was not so entitled;
b. That she was advised that the UWI degree would be sufficient, but then the Ministry advised her that it was not;
c. That the Claimant was left in limbo for the past 4 years;
d. That the CPO has no power or jurisdiction to perform the function that it purported to;
e. that the delay by the CPO in dealing with the issue has caused the Claimant tremendous suffering.

47. The Claimant has submitted that she ought to be considered eligible for promotion from the time that she completed the UWI degree, that is to say September 2014, or at the very latest, at the time that she completed the bridging programme, that is to say September 2015, for damages of either $118,472.00 or $94,376.00 (based on a difference in salary of $2,008.00 per month).

48. It is my view that the Claimant has not established that the Ministry was wrong in seeking the CPO's approval in setting the qualifications for the position of T1P. In that regard, reference is made to sections 56(1)(c) and sections 63 through 68 of the Education Act Chapter 39:01. Further, the Claimant has failed to show that there were positions of T1P to which she could have been appointed. In the circumstances, I am minded to allow compensatory damages in the sum of $50,000.00 which is

approximately the difference between her current salary and the salary for T1P for 2 years.

49. With respect to vindicatory damages, when one considers the factors as outlined by the Claimant in their authorities, I am of the view that although this was not an egregious instance of deprivation of the Claimant's fundamental rights, the laissez faire attitude of the Second Respondent in dealing with the recommendation of the CCPD does tilt the scale in favour of awarding vindicatory damages.

50. It is to be noted that these damages are not of a punitive nature, but rather to vindicate the Claimant's rights. However, many of the points raised by the Claimant, for example the fact that she was not eligible for the scholarship and therefore had to fund the degree on her own are not really relevant. It has not been shown that she became an ATP on the basis that she would be entitled to the scholarship. Additionally, according to the evidence of the First and Third Respondents, at the time that the Claimant started her degree at UWI, none of the degrees, that is to say UTT, USC or UWI had been deemed proper qualifications. UTT's degree was not approved until October 2012 (para 30 of the affidavit of Ingrid Kemchand) and the position of USC is unclear. So even if the representation had been made to her that the UWI degree was as good as the others, this was not incorrect.

51. In the circumstances, while vindicatory damages are appropriate, it is of my view that they should be on the lower end of the scale as the wrong against the Claimant has been belatedly righted and the breach was not of an excessively egregious nature.

52. In the circumstances, I am of the view that an award of $50,000 is appropriate.

Costs

53. The general principle of costs is that they are to follow the event. There is no reason why this matter should be any different from the general rule.

Order

54. In the circumstances, the order of the court is as follows:

    a. A declaration is granted declaring that the Claimant's right to protection of the law under section 4(b) of the Constitution has been breached.
    b. The 3rd Defendant to pay the Claimant compensatory damages assessed in the sum of $50,000.00 and vindicatory damages assessed in the sum of $50,000.00
    c. Defendants to pay the Claimant's costs of the Claim certified fit for Senior Counsel and Junior Counsel to be assessed by a Registrar if not agreed.

KEVIN RAMCHARAN
JUDGE