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Beyond Doctrinal Certainty: A Procedural Architecture of Statutory Employment, Disciplinary Authority, and Institutional Governance in Nigeria

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Abstract

Despite decades of settled judicial doctrine, Nigerian public institutions continue to lose disciplinary litigation with striking regularity. This paper argues that such recurring failures stem from defective institutional governance rather than legal uncertainty. Adopting an integrated doctrinal-institutional approach, the study examines constitutional provisions, the Public Service Rules, and appellate case law to introduce the Procedural Architecture Framework (PAF). The PAF conceptualizes statutory discipline through five interdependent pillars: jurisdictional authority, institutional constitution, procedural integrity, decision-making competence, and judicial control. The analysis reveals that institutional failures primarily arise because organizations prioritize administrative convenience over statutory compliance and conflate administrative hierarchy with legal competence. Under the construct of procedural *ultra vires*, a defect in any single pillar invalidates the cumulative integrity of the entire disciplinary process. To transition from reactive litigation to proactive governance, the article proposes the Jurisdictional Compliance Framework (JCF) to institutionalize sequential legal verification before sanctions are enforced. Ultimately, the study reposition statutory employment from a narrow doctrinal category into a comprehensive model of rule-based public administration.

Keywords: *Statutory employment, Procedural architecture, Institutional governance, Procedural ultra vires, Jurisdictional compliance*.

Introduction: The Governance Problem in Statutory Employment

For more than four decades, Nigerian appellate courts have consistently articulated the legal principles governing employment with statutory flavour. Landmark decisions such as *Shitta-Bey v. Federal Public Service Commission*,[1] *Olaniyan v. University of Lagos*,[2] *Baba v. Nigerian Civil Aviation Training Centre*,[3] *Federal Civil Service Commission v. Laoye*,[4] *Magit v. University of Maiduguri*,[5] and *Oloruntoba-Oju v. Abdul-Raheem & Ors*[6] have established beyond doubt that where legislation prescribes the procedure for appointing, disciplining, or removing a public employee, that procedure must be followed strictly. Yet, despite this remarkable doctrinal consistency, public universities, polytechnics, ministries, departments, agencies, and other statutory bodies continue to lose disciplinary litigation with striking regularity. The persistence of institutional failure in the face of doctrinal certainty presents an important puzzle in Nigerian labour law.

This article argues that the answer lies not in uncertainty about the substantive law but in the institutional processes through which disciplinary power is exercised. Although Nigerian labour jurisprudence has extensively developed the doctrine of statutory employment, comparatively little attention has been devoted to the procedural architecture that translates statutory authority into lawful administrative action. As used in this article, procedural architecture refers to the legally prescribed institutional design governing the exercise of disciplinary authority, including the allocation of disciplinary powers, the lawful constitution of disciplinary bodies, procedural safeguards, institutional competence, and judicial oversight. It is this architecture—not merely the existence of statutory protection—that determines whether disciplinary decisions survive judicial scrutiny.

The distinction between the common-law master–servant relationship and employment protected by statute remains the foundation of Nigerian employment law. Under the common law, the employment relationship is primarily contractual, and wrongful termination ordinarily attracts damages measured by the terms of the contract. By contrast, employment enjoys statutory flavour where appointment and discipline are regulated by an enabling statute or subsidiary legislation having statutory force. In such cases, compliance with prescribed procedures is a condition precedent to the validity of disciplinary action. Consequently, statutory employment transforms discipline from a matter of managerial discretion into an exercise of legally structured public authority (Adaralegbe, 2024; Emudainohwo, 2020).

The significance of this distinction has increased alongside the growth of public employment litigation and the expanding jurisprudence of the National Industrial Court of Nigeria (NICN). Since the Third Alteration to the Constitution introduced section 254C, the NICN has become the principal forum for employment disputes, adopting a purposive approach to labour adjudication that frequently incorporates constitutional guarantees, international labour standards, and international best labour practices into the interpretation of employment rights

[1] (1981) 1 SC 40
[2] (1985) 2 NWLR (Pt. 9) 599
[3] (1991) 5 NWLR (Pt. 192) 388
[4] (1989) 2 NWLR (Pt. 106) 652
[5] (2005) 10 NWLR (Pt. 932) 211
[6] (2009) 13 NWLR (Pt. 1157) 83

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(Emudainohwo, 2020; Eyongndi & Imosemi, 2023). While this jurisprudence has undoubtedly strengthened security of tenure, it has also subjected disciplinary processes within public institutions to increasingly rigorous procedural review.

Contemporary evidence suggests that the overwhelming majority of successful challenges to disciplinary decisions arise not because institutions cannot establish employee misconduct, but because they fail to exercise disciplinary authority through legally competent institutional arrangements. Courts repeatedly invalidate disciplinary proceedings where the wrong authority constitutes disciplinary committees, where investigative and adjudicatory functions are improperly merged, where governing councils are bypassed, where external authorities interfere with statutory decision-making, or where constitutionally guaranteed standards of fair hearing are compromised. Recent decisions of the NICN vividly illustrate the persistence of these governance failures. In *Salami v. Vice-Chancellor, University of Ilorin & Ors*,[7] *Anyaele v. Federal University of Technology, Owerri*,[8] *Ezekiel v. Federal University, Otuoke*,[9] *Audu v. Petroleum Training Institute*,[10] *Dr. Imasuen v. University of Benin*,[11] and *Okafor v. University of Lagos*,[12] disciplinary actions were invalidated not because misconduct could not be established, but because statutory disciplinary powers were exercised through defective institutional arrangements. Collectively, these decisions reinforce the proposition that *procedural architecture*, rather than substantive misconduct, has become the principal determinant of disciplinary validity. These recurring procedural defects expose public institutions to declarations of nullity, reinstatement orders, payment of accumulated salaries, and substantial avoidable financial liabilities (Etti & Yekini, 2017; Lawan et al., 2019).

The persistence of these institutional failures exposes an important analytical gap in the existing literature. Nigerian scholarship has largely concentrated on defining statutory flavour, distinguishing it from the master–servant relationship, examining judicial remedies, or analysing the expanding role of the NICN. Comparatively little scholarship has examined disciplinary governance as an integrated institutional system. Consequently, the literature provides detailed explanations of what the law requires but offers relatively little guidance on why procedurally defective disciplinary decisions continue to recur across public institutions despite well-established legal principles.

Against this background, this article addresses four interrelated questions. First, what constitutes the procedural architecture of statutory employment in Nigeria? Second, why do disciplinary proceedings continue to fail despite evidence of employee misconduct? Third, how does disciplinary authority derive its legal validity within statutory institutions? Fourth, how can institutional governance reduce procedural invalidity while preserving managerial effectiveness?

The article advances two central propositions. First, statutory flavour is a necessary but insufficient condition for lawful discipline. The practical effectiveness of statutory employment depends upon the integrity of the institutional procedures through which disciplinary authority is exercised. Secondly, judicial invalidation of disciplinary decisions results primarily from failures of institutional competence—including defective committee constitution, unlawful delegation of authority, procedural unfairness, and ultra vires decision-making—rather than from the absence of substantive grounds for discipline.

To develop these propositions, the article introduces the Procedural Architecture Framework (PAF) as its principal conceptual contribution. The framework reconceptualises statutory discipline as an integrated governance architecture comprising five interdependent pillars: jurisdictional authority, institutional constitution, procedural integrity, decision-making competence, and judicial control. Rather than treating procedural safeguards as isolated legal requirements, the framework explains how each component contributes to the legal validity of disciplinary action and why defects in any one component can undermine the entire disciplinary process.

The remainder of the article proceeds as follows. Section 2 reviews the existing literature and identifies the analytical gap that justifies the PAF. Section 3 explains the doctrinal and methodological foundations of the study. Section 4 revisits the legal foundations of statutory employment, while Section 5 develops the PAF. Section 6 analyses the structural sources of procedural invalidity in Nigerian public institutions, and Section 7 proposes a governance framework for strengthening disciplinary compliance before the article concludes with implications for scholarship, policy, and institutional practice.

Literature Review and Analytical Gap

Nigerian Scholarship on Statutory Employment

The literature on statutory employment in Nigeria has achieved considerable doctrinal maturity. Scholars generally agree that Nigerian labour law recognises two distinct employment regimes: the common-law master–servant relationship and employment protected by statute. This body of scholarship has consistently clarified the legal consequences flowing from that distinction, particularly the different remedies available for wrongful termination and the requirement of strict compliance with statutory procedures in disciplinary matters (Adaralegbe, 2024; Emudainohwo, 2020; Eyongndi & Imosemi, 2023).

Equally significant is the broad scholarly consensus regarding the legal test for employment with statutory flavour. Contemporary analyses, reflecting established Supreme Court jurisprudence, maintain that statutory protection arises only where legislation or subsidiary legislation expressly regulates appointment and discipline; neither public-sector employment nor administrative practice is sufficient in itself to confer statutory status (Adewole, 2022; Emudainohwo, 2020). In this respect, the literature has substantially reduced doctrinal uncertainty surrounding the classification of employment relationships.

Paradoxically, however, this doctrinal clarity has not translated into institutional compliance. Public institutions continue to lose disciplinary litigation despite decades of settled legal principles. Existing scholarship explains what the law requires, but provides only limited insight into why legally sophisticated institutions repeatedly fail to comply with those requirements. This implementation gap suggests that doctrinal exposition alone cannot adequately explain contemporary disciplinary failures.

Labour Law and Institutional Governance

A second strand of scholarship has focused on the evolving role of the NICN, particularly its purposive interpretation of labour legislation and its reliance on international labour standards to strengthen employee protection (Adaralegbe, 2024; Emudainohwo, 2020; Eyongndi & Imosemi, 2023). This scholarship has enriched debates concerning security of tenure,

[7] (2023) Suit No: NICN/IL/02/2021; Judgment delivered March 30, 2023.
[8] (2023) Suit No: NICN/OW/37/2021; Judgment delivered February 21, 2023.
[9] (2022) Suit No: NICN/YEN/26/2019; Judgment delivered January 27, 2022.
[10] (2023) Suit No: NICN/WAR/02/2021; Judgment delivered May 11, 2023.
[11] (2021) Suit No: NICN/BEN/31/2019; Judgment delivered June 1, 2021.
[12] (2023) Suit No: NICN/LA/618/2018; Judgment delivered April 18, 2023.

fair hearing, and judicial remedies. At the same time, it has highlighted an important jurisprudential tension between the Supreme Court's formal, statute-centred approach and the NICN's broader, worker-protective interpretation of employment rights.

Yet this debate has remained largely judicial rather than institutional. Parallel research on public-sector governance examines organisational reform, administrative accountability, political interference, and bureaucratic capacity, but rarely considers how institutional design affects the legality of disciplinary decision-making (Lawan et al., 2019; Magbadelo, 2016). Consequently, labour law scholarship asks what procedures the law requires, while governance scholarship examines how public institutions are administered. Neither adequately explains how the allocation and exercise of disciplinary authority determine the legal validity of disciplinary action.

The Missing Conversation

The convergence of these two bodies of literature reveals an important omission. Existing studies have concentrated on three interconnected themes: the doctrine of statutory flavour, the remedies for wrongful termination, and the constitutional requirement of fair hearing. These contributions have undoubtedly strengthened Nigerian labour jurisprudence. However, they generally examine procedural requirements as discrete legal obligations rather than as interdependent components of a broader institutional system.

Accordingly, questions concerning committee nomenclature, jurisdictional competence, lawful delegation of disciplinary authority, institutional constitution, separation of investigative and adjudicatory functions, and the relationship between governance structures and judicial review remain comparatively underexplored. The absence of an integrated analytical framework leaves unexplained why disciplinary proceedings frequently fail even where evidence of misconduct is compelling and the applicable legal principles are well settled.

Analytical Gap

Despite the maturity of Nigerian jurisprudence on statutory employment, recent decisions of the NICN demonstrate that disciplinary decisions continue to be invalidated for recurring governance failures rather than for uncertainty in the substantive law. Several NICN cases reveal a consistent judicial concern with defects relating to jurisdictional authority, committee constitution, procedural fairness, and institutional competence. Yet these decisions remain analytically fragmented because the courts necessarily resolve disputes on a case-by-case basis without articulating an overarching governance framework capable of explaining the recurring relationship among these procedural failures. This article addresses that analytical gap by developing the PAF, which integrates these recurring judicial concerns into a coherent model of statutory disciplinary governance. By conceptualising disciplinary legality as the product of an interdependent institutional architecture rather than a series of isolated procedural requirements, the PAF provides both an explanatory framework for understanding judicial invalidation and a practical model for strengthening disciplinary governance across Nigerian public institutions.

Methodology and Analytical Framework

To address the analytical gap identified in the preceding section, this article adopts an integrated doctrinal–institutional analytical approach. The study is primarily doctrinal because it seeks to identify, interpret, and synthesise the legal principles governing disciplinary authority in Nigerian statutory employment. At the same time, it incorporates an institutional governance perspective to explain how the organisation and exercise of disciplinary power affect the legal validity of administrative decisions. This combination is consistent with contemporary legal research that integrates doctrinal analysis with administrative and institutional perspectives when examining procedural fairness and public-sector decision-making (Emudainohwo, 2020; Etti & Yekini, 2017; Pearson, 2007). By combining doctrinal legal analysis with institutional governance analysis, the article moves beyond determining what the law is to explaining how institutional arrangements influence the legality of disciplinary action.

The research relies principally on statutory interpretation, case-law analysis, and analytical jurisprudence. Statutory interpretation is employed to examine the constitutional and statutory allocation of disciplinary authority, while analytical jurisprudence clarifies key concepts such as statutory employment, jurisdiction, institutional competence, delegation, procedural validity, and judicial control. Case-law analysis synthesises the reasoning of the Supreme Court, Court of Appeal, and the NICN to identify recurring principles governing fair hearing, committee competence, procedural irregularities, and the consequences of non-compliance. Particular attention is paid to judicial treatment of procedural irregularities and the evolving role of the NICN in interpreting labour legislation and strengthening procedural safeguards for employees (Emudainohwo, 2020; Etti & Yekini, 2017).

Primary legal materials comprise the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Federal Polytechnics Act, relevant universities legislation, the Public Service Rules (2021 Edition), and judicial decisions of the Supreme Court, the Court of Appeal, and the NICN. These primary authorities are complemented by secondary sources, including scholarly literature on labour law, administrative law, and public-sector governance. Administrative regulations are treated as primary legal materials because they operationalise statutory provisions, define the scope of delegated authority, and provide the procedural framework through which disciplinary powers are exercised, reviewed, and tested for legality.

Finally, the study employs thematic doctrinal synthesis to integrate recurring principles emerging from constitutional provisions, statutes, administrative regulations, and judicial decisions into the PAF. Rather than treating fair hearing, committee constitution, delegation, jurisdiction, and judicial review as isolated legal requirements, the framework conceptualises them as interdependent dimensions of a single governance architecture. In doing so, it draws upon established principles of procedural fairness while synthesising Nigerian judicial doctrine into an integrated model of disciplinary governance (Pearson, 2007). The article is therefore doctrinal and conceptual rather than empirical; its objective is to explain the legal conditions under which disciplinary authority is validly constituted, exercised, and reviewed within Nigerian statutory employment.

Doctrinal Foundations of Statutory Employment

The distinction between master–servant employment and employment with statutory flavour is one of the most firmly established principles of Nigerian labour jurisprudence. This distinction is more than a classification of employment relationships; it determines the legal source, scope, and limits of disciplinary authority. In contractual employment, disciplinary power originates from the agreement between the parties. In statutory employment, however, disciplinary authority is a jurisdiction created and constrained by law. Consequently, the transition from master–servant employment to statutory employment represents not merely a change in employment status but a transformation in the legal character of administrative power. This doctrinal foundation provides the point of departure for the PAF developed in the next section.

Master–Servant Employment

The common-law master–servant relationship is fundamentally contractual. The rights and obligations of both employer and employee derive from the contract of employment, and the employer generally retains the managerial prerogative to terminate the relationship, provided the contractual provisions relating to notice or payment in lieu of notice are observed. Under this traditional doctrine, an employer may terminate employment for a reason, for no reason, or even for a mistaken reason, provided the termination does not breach the contract. The principal remedy for wrongful termination is therefore damages rather than reinstatement because the courts will not compel an unwilling employer to retain an employee in a purely contractual relationship (Adaralegbe, 2024; Eyongndi & Imosemi, 2023).

This contractual model treats disciplinary authority as an incident of managerial discretion. Judicial intervention is correspondingly limited to determining whether the contract has been breached, not whether the employer exercised disciplinary power wisely or fairly. The legal focus is therefore on contractual rights rather than institutional competence.

Employment with Statutory Flavour

Employment assumes statutory flavour where disciplinary authority is derived from statute rather than contract. Nigerian jurisprudence has consistently adopted a strict test for determining statutory status. Two conditions must ordinarily coexist. First, the employer must derive its existence or disciplinary powers from statute. Secondly, the employee's appointment, discipline, and removal must be expressly regulated by statute or by subsidiary legislation having statutory force. Public-sector employment alone does not confer statutory flavour; the governing legislation must prescribe the legal framework for disciplinary action (Adewole, 2022; Emudainohwo, 2020).

The legal consequence of statutory flavour is profound. Once disciplinary authority is created by statute, it ceases to be a matter of unfettered managerial discretion and becomes a jurisdiction that may be exercised only by the authority designated by law, through the procedure prescribed by law. Figure 1 illustrates this doctrinal decision pathway by showing that the decisive inquiry is whether disciplinary authority is governed by statute or contract. Where statutory regulation exists, strict procedural compliance becomes a condition precedent to the validity of disciplinary action; where it does not, the ordinary contractual rules of master–servant employment apply.

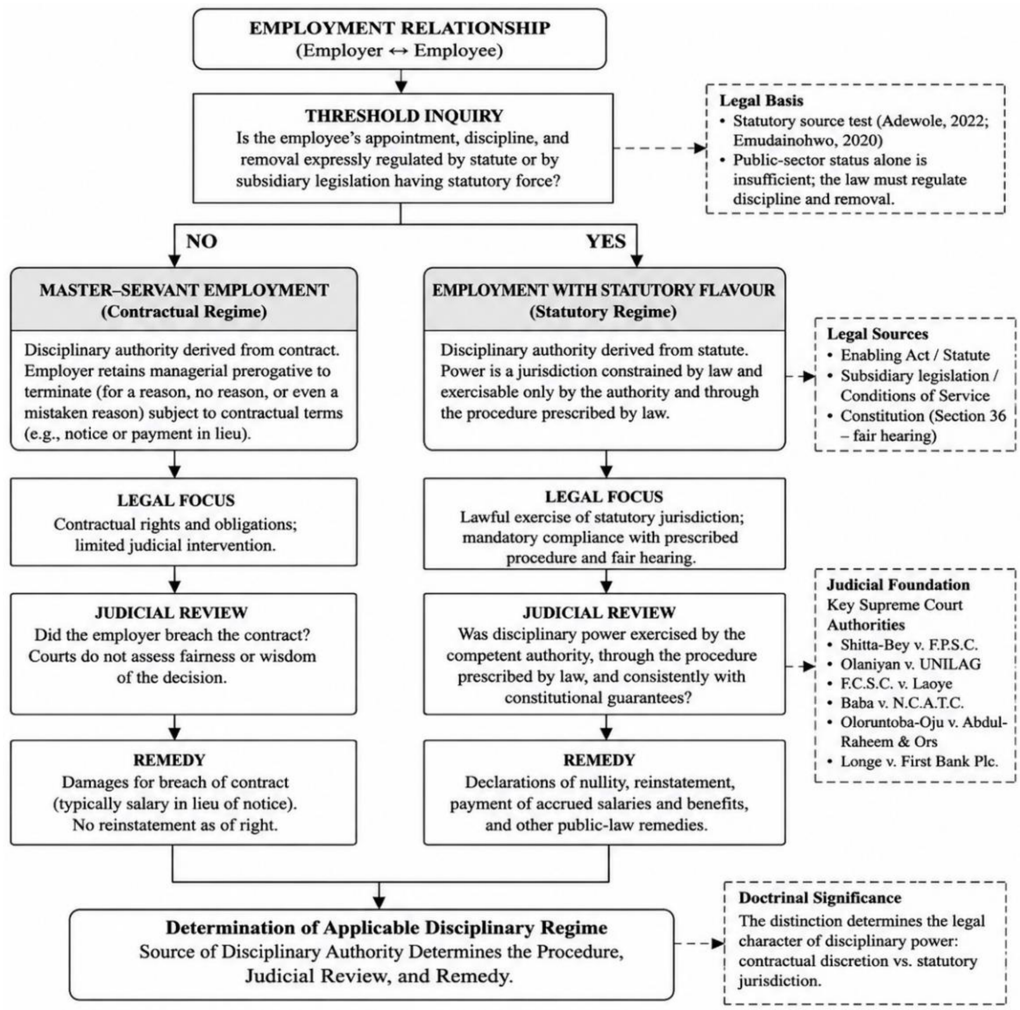

Figure 1. Doctrinal Decision Pathway for Determining the Applicable Disciplinary Regime

Judicial Development

The Supreme Court has progressively developed this doctrine through a coherent line of authorities. *Shitta-Bey v. Federal Public Service Commission*[13] established the foundational principle that statutory disciplinary procedures are mandatory and cannot be displaced by administrative convenience. *Olaniyan v. University of Lagos*[14] expanded this principle by recognising that employees whose appointments are protected by statute enjoy a legal status distinct from ordinary contractual employees.

Subsequent decisions refined different dimensions of the doctrine. *Federal Civil Service Commission v. Laoye*[15] clarified that disciplinary jurisdiction must be exercised only by the authority designated by statute, while *Baba v. Nigerian Civil Aviation Training Centre*[16] reinforced the constitutional requirement that disciplinary proceedings comply with the principles of fair hearing. Section 36 of the Constitution therefore became an integral procedural safeguard within statutory discipline, requiring notice of allegations, an opportunity to respond, and an impartial decision-maker before adverse action may lawfully be taken.

The doctrine was further strengthened in *Oloruntoba-Oju v. Abdul-Raheem & Ors*,[17] where the Supreme Court emphasised that statutory procedures cannot be bypassed under the guise of administrative urgency or managerial convenience. Similarly, *Longe v. First Bank of Nigeria Plc*[18] reaffirmed the broader principle that where legislation prescribes a procedure for removal from office, compliance with that procedure is mandatory notwithstanding any residual managerial powers. Collectively, these authorities demonstrate an important doctrinal evolution: *Shitta-Bey* established statutory protection; *Olaniyan* defined its legal status; *Laoye* identified the competent disciplinary authority; *Baba* constitutionalised procedural fairness; and *Oloruntoba-Oju* and *Longe* reaffirmed that statutory procedures prevail over administrative expediency.

Although the NICN has adopted a more purposive and worker-protective approach by drawing upon constitutional principles, international labour standards, and international best labour practices, it has remained firmly anchored in the Supreme Court's jurisprudence on statutory employment. Recent NICN decisions demonstrate the continuing vitality of these foundational principles in contemporary disciplinary litigation. In *Audu v. Petroleum Training Institute & Anor*,[19] the Court invalidated disciplinary proceedings because the employee was denied full procedural fairness through the non-disclosure of adverse materials relied upon by the employer. In *Dr. Imasuen v. University of Benin*,[20] the dismissal of a senior staff member was declared unlawful because the Vice-Chancellor purported to exercise disciplinary powers reserved by statute for the Governing Council. Likewise, in *Okafor v. University of Lagos*,[21] the Court held that a Governing Council could not validate an otherwise unlawful disciplinary process by merely ratifying a recommendation initiated by an unauthorised committee. These decisions reinforce, rather than depart from, the principles established in *Shitta-Bey*, *Olaniyan*, *Laoye*, *Baba*, *Oloruntoba-Oju*, and *Longe*. Collectively, they demonstrate that contemporary disciplinary disputes continue to turn less on whether misconduct occurred than on whether disciplinary authority was exercised through legally competent institutional arrangements. This recurring judicial pattern suggests that statutory employment is best understood not simply through isolated legal doctrines but through an integrated framework capable of explaining how jurisdiction, institutional competence, procedural fairness, decision-making authority, and judicial review interact to determine disciplinary validity. That framework is the PAF developed in this paper.

Juridical Consequences of Procedural Non-Compliance

The distinction between contractual employment and employment with statutory flavour is reflected most clearly in the legal consequences that follow defective disciplinary action. In the master–servant relationship, wrongful termination ordinarily constitutes a breach of contract for which damages, usually measured by the employee's contractual entitlement, provide the principal remedy. In statutory employment, however, the consequences are fundamentally different because disciplinary authority derives from statute rather than private agreement. Where disciplinary power is exercised by an authority lacking jurisdiction or in breach of mandatory statutory procedures, the resulting decision is not merely wrongful but legally void. Accordingly, the courts may declare the disciplinary action null and void, order reinstatement, and direct the payment of accrued salaries and other employment benefits.

These remedies reflect a fundamental principle of Nigerian public law. Judicial intervention is directed not at reassessing the factual merits of disciplinary allegations or substituting judicial opinion for managerial judgment, but at safeguarding the legality of the institutional process through which statutory disciplinary authority is exercised. Consequently, the courts do not ordinarily determine whether an employee deserves dismissal or other disciplinary sanctions. Their inquiry is instead directed to whether disciplinary jurisdiction was exercised by the legally competent authority, through the procedure prescribed by the enabling statute and applicable regulations, and consistently with the constitutional guarantee of fair hearing. Recent decisions of the NICN reaffirm this approach by consistently invalidating disciplinary actions where jurisdictional authority, institutional competence, procedural integrity, or decision-making competence has been compromised, notwithstanding evidence of employee misconduct.

The significance of these remedies therefore extends beyond the vindication of individual employment rights. They reinforce the broader constitutional principle that public power must be exercised only by the authority designated by law and through the procedure prescribed by law. In this sense, declarations of nullity, reinstatement, and consequential orders are not simply remedies for wrongful discipline; they are judicial mechanisms for preserving institutional legality and promoting accountable public administration. The doctrinal distinction between master–servant employment and employment with statutory flavour therefore identifies the legal source of disciplinary authority but does not, by itself, explain how that authority should be institutionally organised and exercised to ensure legal validity. Addressing that governance question is the central objective of the next section, which develops the PAF as an integrated model for analysing, evaluating, and strengthening statutory disciplinary administration in Nigerian public institutions.

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[13] (1981) 1 SC 40
[14] (1985) 2 NWLR (Pt. 9) 599
[15] (1989) 2 NWLR (Pt. 106) 652
[16] (1991) 5 NWLR (Pt. 192) 388
[17] (2009) 13 NWLR (Pt. 1157) 83
[18] (2010) 6 NWLR (Pt. 1189) 1
[19] (2023) Suit No: NICN/WAR/02/2021; Judgment delivered May 11, 2023.
[20] (2021) Suit No: NICN/BEN/31/2019; Judgment delivered June 1, 2021.
[21] (2023) Suit No: NICN/LA/618/2018; Judgment delivered April 18, 2023.

The PAF: A Governance Model for Statutory Discipline

Introduction to the PAF

The preceding sections demonstrated that Nigerian labour jurisprudence has largely resolved the doctrinal distinction between master–servant employment and employment with statutory flavour. They also showed that the courts have consistently insisted upon strict compliance with statutory disciplinary procedures. Yet public institutions continue to lose disciplinary litigation with remarkable frequency. This recurring pattern suggests that the problem is no longer one of doctrinal uncertainty but of *institutional governance*. Existing scholarship explains the individual legal requirements governing statutory discipline; it says comparatively little about how those requirements operate collectively as an integrated system of administrative legality.

To address this analytical gap, this article develops the PAF. The framework defines *procedural architecture* as the legally structured arrangement through which disciplinary authority is *created, allocated, exercised, and reviewed* within statutory institutions. Rather than treating statutory discipline as a collection of isolated procedural rules, the PAF conceptualises it as a *sequential governance process* comprising five interdependent pillars. Each pillar answers a distinct legal question: (i) Does lawful disciplinary authority exist? (ii) Which institution may exercise that authority? (iii) How must disciplinary power be exercised? (iv) Who is competent to make the final disciplinary decision? (v) How should the courts review that decision? Because each stage depends upon the legal validity of the preceding one, a defect in an earlier pillar cannot ordinarily be cured by compliance at a later stage. Thus, jurisdiction enables institutional competence; institutional competence enables procedural integrity; procedural integrity enables lawful decision-making; and lawful decision-making provides the foundation for meaningful judicial review.

Pillar I: Jurisdictional Authority

The first pillar addresses the foundational question of the PAF: *Who possesses disciplinary power?* In administrative law, jurisdiction is the indispensable condition for the validity of every official act (Elliott & Murray, 2025; Grant, 2017; Kyritsis, 2012). Before questions concerning committee composition, fair hearing, or judicial review can arise, it must first be established that the person or body exercising disciplinary authority derives that authority from law. Jurisdiction therefore precedes administration. A procedurally impeccable disciplinary process cannot be legally sustained if it originates from an authority that lacks jurisdiction.

This principle distinguishes statutory employment fundamentally from the common-law master–servant relationship. In the latter, disciplinary authority derives principally from contract and managerial prerogative. By contrast, in employment with statutory flavour, disciplinary authority derives from legislation. Statutory flavour therefore does more than protect an employee's tenure; it determines the legal source, scope, and limits of disciplinary power. The decisive question is not simply whether an institution is publicly owned, but whether its enabling statute or subsidiary legislation regulates the appointment, discipline, and removal of the employee. Only then does disciplinary authority become a jurisdiction created and constrained by law rather than an incident of managerial discretion (Adewole, 2022; Emudainohwo, 2020).

The statutory basis of disciplinary authority is reflected in both legislation and the *Public Service Rules* (2021). Rule 010101 establishes the institutional scope of the Rules by prescribing their application to officers in the Federal Public Service. Rule 020101 locates the legal authority for appointment within the constitutional and statutory powers of the Federal Civil Service Commission. Rule 100102 allocates disciplinary powers to the appropriate statutory authority, while Rule 170101 extends this governance framework to Federal Government parastatals, requiring governing boards and councils to exercise disciplinary powers in accordance with their enabling statutes and approved conditions of service. Read together, these provisions establish a hierarchical governance structure in which legislation creates disciplinary authority, the *Public Service Rules* (2021) operationalise that authority, and institutional actors exercise only those powers lawfully delegated to them.

The jurisprudence of the Supreme Court reinforces this statutory architecture. *Shitta-Bey v. Federal Public Service Commission*[22] established the foundational principle that statutory disciplinary procedures are mandatory because the authority to discipline derives from law rather than executive discretion. *Olaniyan v. University of Lagos*[23] expanded that principle by recognising statutory employment as a distinct legal status whose disciplinary incidents are governed by statute. The Court subsequently clarified in *Federal Civil Service Commission v. Laoye*[24] that disciplinary jurisdiction must be exercised only by the authority designated by law, while *Oloruntoba-Oju v. Abdul-Raheem & Ors*[25] reaffirmed that statutory powers cannot be displaced by administrative convenience. The same jurisdictional reasoning underpins *Magit v. University of Maiduguri*[26], where the court emphasised that a disciplinary committee must itself be a lawful creature of the enabling statute, and *Adeniyi v. Governing Council, Yaba College of Technology*[27], which confirmed that disciplinary powers vested in a statutory authority cannot be exercised by an unauthorised body and later validated through administrative ratification. Collectively, these authorities demonstrate that institutional office should never be confused with legal authority: a Rector, Vice-Chancellor, Registrar, or Management Committee may occupy high administrative office without possessing the statutory jurisdiction to exercise particular disciplinary powers.

An important consequence follows. The law distinguishes between the *creation* of disciplinary authority and the *delegation* of disciplinary functions. An enabling statute may authorise the delegation of specified responsibilities, but delegated authority cannot create new jurisdiction or enlarge powers beyond those conferred by law. Internal circulars, management resolutions, established administrative practice, or ministerial directives may regulate the exercise of existing statutory powers; they cannot become independent sources of disciplinary jurisdiction. Any disciplinary action undertaken by a person or body lacking statutory competence is therefore both *procedurally ultra vires* and a *jurisdictional nullity*, irrespective of the seriousness of the alleged misconduct or the procedural fairness subsequently observed.

The first pillar of the PAF may therefore be stated as follows:

> *Proposition 1 (Jurisdictional Authority): In statutory employment, disciplinary power is statutory before it is administrative. Administrative discretion exists only after lawful jurisdiction has been established. Consequently, the legitimacy of every disciplinary process depends upon the existence of statutory authority that is lawfully*

[22] (1981) 1 SC 40
[23] (1985) 2 NWLR (Pt. 9) 599
[24] (1989) 2 NWLR (Pt. 106) 652
[25] (2009) 13 NWLR (Pt. 1157) 83
[26] (2005) 10 NWLR (Pt. 932) 211
[27] (1993) 6 NWLR (Pt. 300) 426

created, properly allocated, and validly exercised within the limits prescribed by the enabling legislation and applicable statutory regulations.

Recent NICN decisions reinforce this proposition. In *Salami v. Vice-Chancellor, University of Ilorin & Ors*,[28] disciplinary action was invalidated because the Vice-Chancellor exercised disciplinary powers not conferred by the governing statute, while *Anyaele v. Federal University of Technology, Owerri*[29] demonstrates that applying the *Public Service Rules* where the University Act governs disciplinary authority creates a jurisdictional nullity.

Jurisdiction answers the preliminary question of whether disciplinary authority exists. The next pillar considers a different but equally important governance question: which institutional body may lawfully exercise that jurisdiction? That issue is examined under Pillar II—Institutional Constitution.

Pillar II: Institutional Constitution

If Pillar I establishes the legal source of disciplinary authority, Pillar II determines its institutional location. The existence of statutory jurisdiction does not, by itself, validate disciplinary action. A further question must be answered: *Which organ of the institution is legally competent to exercise that jurisdiction?* The second pillar of the PAF therefore examines the institutional architecture through which statutory disciplinary powers are exercised. Its central proposition is that statutory institutions act not through individual office holders but through organs recognised or validly constituted by law. Consequently, disciplinary authority is institutionally valid only when exercised by the body designated by the enabling statute, applicable Conditions of Service, or the *Public Service Rules* (2021).

This distinction is particularly significant in federal polytechnics, universities, and other statutory public institutions. Although the Rector or Vice-Chancellor serves as the Chief Executive Officer responsible for the day-to-day administration of the institution, that office does not automatically carry final disciplinary jurisdiction over employees whose appointments enjoy statutory protection. Rather, the enabling legislation ordinarily vests disciplinary authority over senior staff in the Governing Council, while Management performs executive and administrative functions necessary for institutional operations. The Rector may initiate administrative processes, supervise investigations, and implement lawful decisions, but the exercise of disciplinary jurisdiction remains subject to the institutional allocation prescribed by law. The legal authority to discipline therefore derives not from organisational hierarchy but from statutory competence.

The *Public Service Rules* (2021) reinforce this governance structure by prescribing the institutional mechanisms through which disciplinary authority is exercised. Rule 170301 requires Federal Government parastatals to establish Senior Staff and Junior Staff Committees to undertake functions relating to appointment, promotion, and discipline. The Rule therefore does more than regulate procedure; it establishes the institutional architecture through which statutory powers are exercised. Similarly, Rule 100307(v) requires that the Head of the officer's department shall not sit on the Board of Inquiry. This safeguard is not merely procedural. It reflects a deliberate governance choice to separate investigative influence from adjudicatory responsibility and thereby preserve institutional impartiality. Together, these provisions demonstrate that lawful discipline depends upon both institutional competence and institutional independence.

Recent NICN decisions reinforce the importance of lawful institutional constitution. In *Ezekiel v. Federal University, Otuoke*,[30] the Court invalidated disciplinary proceedings because the body exercising disciplinary powers was not constituted in accordance with the institution's governing legal framework. Likewise, *Eke v. Federal Polytechnic, Nekede*[31] reaffirmed that disciplinary committees derive their legitimacy from statutory authority rather than administrative designation. These decisions support the Nomenclature Principle as one of the principal conceptual contributions of the PAF advanced in this article: committee legitimacy depends on lawful constitution, prescribed functions, and institutional competence, not merely on the title assigned to the committee.

The Nomenclature Principle: A committee derives legal legitimacy not from the title it bears but from three cumulative conditions: (i) lawful constitution by the competent statutory authority; (ii) a mandate consistent with the enabling legislation or approved Conditions of Service; and (iii) the exercise of only those disciplinary powers lawfully conferred upon it. Its title is evidential rather than constitutive.

This principle addresses a recurring governance problem within Nigerian public institutions. Administrative bodies are frequently established under titles such as Management Disciplinary Committee, Staff Screening Committee, Ad Hoc Investigation Panel, or Fact-Finding Committee. The legal validity of such bodies does not depend upon whether their names mirror those found in the enabling statute. An Investigative Panel lawfully constituted by Management to establish whether a prima facie case exists may be entirely valid, provided it confines itself to investigative functions. Conversely, a body styled Senior Staff Disciplinary Committee may nevertheless be legally incompetent if it was constituted by Management rather than the Governing Council, or if it purports to exercise adjudicatory powers not conferred upon it by law. Committee nomenclature therefore has evidential value, but it cannot create jurisdiction or confer competence where none exists.

The courts have consistently adopted this competence-based approach to institutional legitimacy. In *Oloruntoba-Oju v. Abdul-Raheem and Ors*[32], the Supreme Court reaffirmed that disciplinary powers vested by statute in the Governing Council cannot be appropriated by the Vice-Chancellor or exercised under the guise of administrative necessity. *Magit v. University of Maiduguri*[33] further established that a disciplinary body exercising statutory functions must itself derive its authority from the institution's enabling law, while *Adeniyi v. Governing Council, Yaba College of Technology*[34] confirmed that proceedings conducted by an unauthorised body cannot subsequently be validated through ratification by the proper authority. These authorities demonstrate a consistent judicial principle: institutions act only through legally constituted organs, and institutional office should never be confused with institutional competence.

The distinction between *delegation* and *abdication* follows naturally from this principle. A Governing Council may, where authorised by law, delegate investigative, advisory, or administrative functions to an appropriate committee in order to facilitate

[28] (2023) Suit No: NICN/IL/02/2021; Judgment delivered March 30, 2023.
[29] (2023) Suit No: NICN/OW/37/2021; Judgment delivered February 21, 2023.
[30] (2022) Suit No: NICN/YEN/26/2019; Judgment delivered January 27, 2022.
[31] (2022) Suit No: NICN/OW/47/2016; Judgment delivered May 23, 2022.
[32] (2009) 13 NWLR (Pt. 1157) 83
[33] (2005) 10 NWLR (Pt. 932) 211
[34] (1993) 6 NWLR (Pt. 300) 426

efficient governance. Such delegation does not transfer the Council's ultimate disciplinary jurisdiction. What the Council cannot do is abdicate its statutory responsibility by allowing Management, an ad hoc committee, or any other body to determine matters reserved exclusively to the statutory disciplinary authority. Similarly, Management may establish a preliminary fact-finding panel, but it cannot convert that panel into an adjudicatory body simply by altering its title or expanding its terms of reference. Lawful delegation facilitates institutional governance; unlawful abdication undermines it.

The second pillar of the PAF may therefore be expressed as follows:

> *Proposition 2 (Institutional Constitution): Institutional competence is determined by lawful constitution rather than organisational hierarchy, administrative convenience, or committee nomenclature. A statutory institution acts only through organs recognised or validly constituted under law; consequently, disciplinary jurisdiction is lawfully exercised only where the competent authority, the properly constituted body, and the authorised mandate converge.*

Having established whether disciplinary authority exists (Pillar I) and which body may lawfully exercise it (Pillar II), the next stage of the PAF considers how that authority must be exercised. This procedural dimension forms the subject of Pillar III—Procedural Integrity, where the constitutional requirements of fair hearing and natural justice become central to institutional legitimacy.

Pillar III: Procedural Integrity

The first two pillars of the PAF establish whether disciplinary authority exists and which institutional body may lawfully exercise it. Pillar III addresses a different question: How must that authority be exercised? This pillar advances the central argument of the Framework that lawful authority and institutional competence are necessary but insufficient conditions for valid disciplinary action. A disciplinary process derives its legal legitimacy not merely from the identity of the decision-maker but from the integrity of the procedure through which the decision is reached. Procedural integrity therefore transforms statutory authority into lawful administrative action. It protects not only the rights of the employee but also the institutional legitimacy of disciplinary governance by ensuring that decisions are transparent, impartial, rational, and capable of withstanding judicial scrutiny.

The constitutional foundation of procedural integrity lies in Section 36 of the *Constitution of the Federal Republic of Nigeria* 1999 (as amended), which guarantees the right to fair hearing whenever civil rights and obligations are liable to be affected. Contemporary administrative law similarly recognises that procedural fairness requires timely notice of allegations, meaningful participation, impartial adjudication, disclosure of adverse material where fairness demands, and procedures appropriate to the seriousness of the decision (Cananea & Parona, 2024; Pearson, 2007). Comparative scholarship further demonstrates that administrative decisions reached without these safeguards lack procedural legitimacy irrespective of the substantive correctness of the outcome (Parona, 2025; Wyder et al., 2015). These principles closely mirror the constitutional standards governing disciplinary proceedings within the Nigerian public service.

The *Public Service Rules* (2021) operationalise these constitutional guarantees through a carefully sequenced disciplinary process. Rule 100302 requires that disciplinary proceedings commence with a written query clearly stating the alleged misconduct and affording the officer an opportunity to offer an exculpatory explanation before further action is taken. The query performs several governance functions: it provides formal notice of the allegations, narrows the issues for determination, creates an official procedural record, and prevents disciplinary discretion from becoming arbitrary. Rule 100307(i) complements this requirement by insisting that an officer facing dismissal be informed in writing of the precise grounds upon which disciplinary action is contemplated. Precision is therefore a substantive element of procedural legality because an employee cannot meaningfully defend against vague or shifting allegations. The procedural roadmap embodied in the Public Service Rules reflects a broader governance principle that lawful discipline depends upon orderly, transparent, and sequential decision-making rather than administrative expediency.

Procedural integrity also requires a meaningful opportunity to be heard. Rule 100307(vi) entitles an officer appearing before a Board of Inquiry to defend himself or herself, present evidence, and call witnesses. This provision gives practical effect to the constitutional doctrine of *audi alteram partem*, which demands not merely the opportunity to speak but a genuine opportunity to influence the decision-making process. Comparative studies similarly recognise that procedural fairness requires decision-makers to consider the employee's representations with an open mind rather than treating the hearing as a procedural ritual (Baloyi-Ngobeni & Odeku, 2013; Pietrzykowski, 2021). Where dismissal, demotion, or other career-ending sanctions are contemplated, fairness may additionally require an oral hearing capable of testing disputed facts and evidence (Ibrahim & Mohamed, 2019; Pearson, 2007).

An equally important component of procedural integrity is the preservation of institutional impartiality. The doctrine of *nemo judex in causa sua* prohibits a person from adjudicating a matter in which he or she has an interest or prior involvement. Accordingly, Rule 100307(v) excludes the Head of the officer's department from membership of the Board of Inquiry, recognising that structural independence is essential to credible disciplinary adjudication. More broadly, procedural integrity requires a clear separation between investigative and adjudicatory functions. An investigative panel exists to establish whether a prima facie case warrants further proceedings; it neither determines guilt nor imposes disciplinary sanctions. The adjudicatory body, by contrast, independently evaluates the evidence and applies the statutory disciplinary framework. Combining these functions within the same body or permitting investigators to adjudicate the allegations they have assembled creates a substantial risk of institutional bias and confirmation bias, thereby undermining both actual fairness and public confidence in the disciplinary process. Comparative administrative-law scholarship consistently treats such structural separation as a defining characteristic of procedurally fair decision-making (Akhtar, 2017; Cananea & Parona, 2024).

Nigerian courts have adopted the same principled approach. In *Baba v. Nigerian Civil Aviation Training Centre*,[35] the Supreme Court emphasised that statutory disciplinary procedures must be faithfully observed because fair hearing is an indispensable condition of lawful disciplinary action. Likewise, *Federal Civil Service Commission v. Laoye*[36] reaffirmed that disciplinary proceedings conducted in disregard of mandatory procedural requirements cannot be sustained merely because allegations of misconduct appear well founded. These decisions illustrate an important governance insight: procedural compliance is not a technical obstacle to discipline but the legal foundation of institutional

[35] (1991) 5 NWLR (Pt. 192) 388

[36] 2 NWLR (Pt. 106) 652

authority. Judicial intervention is therefore directed less at protecting misconduct than at preserving the integrity of statutory governance.

Recent NICN jurisprudence likewise illustrates the multidimensional nature of procedural integrity. In *Audu v. Petroleum Training Institute & Anor*,[37] the Court held that procedural fairness required not only the issuance of a proper query but also disclosure of the specific evidence and documents relied upon against the employee, thereby giving practical effect to the principle of *audi alteram partem*. In *Akande v. University of Ilorin & Ors*,[38] the Court invalidated the disciplinary process because the institution bypassed the mandatory disciplinary sequence prescribed by the University Statutes in favour of administrative expediency. Similarly, *Obu v. University of Nigeria, Nsukka*[39] reaffirmed the *nemo judex in causa sua* principle by condemning the participation of members of the investigative panel in the adjudicatory committee, while *Ahmed v. Ahmadu Bello University, Zaria*[40] held that the failure to permit the employee to cross-examine witnesses during the disciplinary hearing violated the constitutional guarantee of fair hearing under section 36 of the Constitution. Collectively, these decisions demonstrate that procedural integrity encompasses proper notice, adherence to prescribed disciplinary procedures, institutional impartiality, and meaningful opportunities to challenge adverse evidence, operating together as an integrated safeguard of lawful disciplinary administration.

This understanding gives rise to what may be described as the Procedural Integrity Principle:

> *The Procedural Integrity Principle: A disciplinary process possesses procedural integrity only where notice, participation, impartial adjudication, and institutional separation between investigation and decision-making operate as mutually reinforcing safeguards. Compliance with one safeguard cannot cure the absence of another because procedural legitimacy depends upon the integrity of the disciplinary process as a whole.*

The third pillar of the PAF may therefore be stated as follows:

> *Proposition 3 (Procedural Integrity): Fair hearing protects institutional legitimacy as much as employee rights. The legality of statutory discipline depends not only upon the existence of lawful authority and institutional competence but also upon the integrity of the procedures through which disciplinary authority is exercised.*

Having established the legal source of disciplinary authority (Pillar I), its lawful institutional location (Pillar II), and the procedural standards governing its exercise (Pillar III), the Framework next examines the final stage of internal disciplinary governance: who possesses the legal competence to make the binding disciplinary decision. This issue is addressed in Pillar IV—Decision-Making Competence.

Pillar IV: Decision-Making Competence

The first three pillars of the PAF establish whether disciplinary authority exists (Pillar I), which institutional organ may lawfully exercise that authority (Pillar II), and how disciplinary power must be exercised (Pillar III). Pillar IV addresses the final governance question within the institution: *Who is legally competent to make the binding disciplinary decision?* Every disciplinary process culminates in a decision that alters the legal rights, status, or tenure of an employee. The legality of that outcome depends not upon who investigated the allegations or conducted the hearing, but upon whether the final decision emanates from the statutory authority designated by law. Decision-making competence therefore represents the point at which statutory authority, institutional competence, and procedural integrity converge into a legally effective administrative act.

The *Public Service Rules* (2021) deliberately distinguish between recommendatory authority and decision-making authority. Rule 100102 vests disciplinary control, including the power of dismissal, in the appropriate statutory authority, thereby identifying the lawful owner of disciplinary jurisdiction. Rules 100307(ix) and 100307(x) operationalise this allocation of authority by separating the disciplinary process into two distinct stages. Under Rule 100307(ix), a Board of Inquiry submits its findings and recommendations to the competent authority; it does not itself impose disciplinary sanctions. Rule 100307(x) requires that the final disciplinary decision be taken and communicated by the authority legally empowered to do so. This separation is neither procedural formality nor administrative convenience. Rather, it institutionalises accountability by ensuring that the body investigating allegations is different from the authority that ultimately determines the employee's legal rights.

Recent NICN decisions reinforce the importance of decision-making competence. In *Dr. Imasuen v. University of Benin*,[41] the Court held that disciplinary powers reserved for the Governing Council could not be exercised by the Vice-Chancellor or Management. Likewise, *Okafor v. University of Lagos*[42] confirmed that a Governing Council cannot validate a fundamentally defective disciplinary process by merely approving recommendations made by an unauthorised body. These decisions support the article's Decision Ownership Principle: the legality of disciplinary action ultimately depends on the final decision being made by the authority designated by law.

> *Decision Ownership Principle: Recommendations inform disciplinary judgment; they do not create legal consequences. Legal consequences arise only from decisions independently made by the statutory authority in which disciplinary jurisdiction is vested. Responsibility for disciplinary legality therefore remains with the lawful decision-maker notwithstanding the delegation of investigative or advisory functions.*

The significance of this principle is that recommendations do not alter legal rights; decisions do. A Board of Inquiry, Senior Staff Committee, or Management Committee may investigate allegations, evaluate evidence, and recommend an appropriate sanction. Those functions are advisory. The legal relationship between employer and employee changes only when the competent statutory authority independently considers those recommendations and makes its own decision. Accordingly, the validity of disciplinary action depends less upon the quality of the recommendation than upon the competence and independence of the final decision-maker.

The doctrine also clarifies the distinction between delegation and abdication. A Governing Council may lawfully delegate investigative, administrative, or advisory responsibilities where authorised by the enabling statute or Conditions of Service. Such delegation promotes administrative efficiency while preserving statutory accountability. What the Council cannot delegate, except where expressly authorised by law, is the responsibility to make

[37] (2023) Suit No: NICN/WAR/02/2021; Judgment delivered May 11, 2023.
[38] (2022) Suit No: NICN/IL/03/2021; Judgment delivered May 25, 2022.
[39] (2018) Suit No: NICN/EN/50/2015; Judgment delivered July 10, 2018.
[40] (2016) 64 NLLR (Pt. 228) 545.
[41] (2021) Suit No: NICN/BEN/31/2019; Judgment delivered June 1, 2021.
[42] (2023) Suit No: NICN/LA/618/2018; Judgment delivered April 18, 2023.

disciplinary decisions reserved exclusively to it. Likewise, the Council cannot abdicate that responsibility by simply endorsing a decision already reached by Management or by treating committee recommendations as automatically binding. Ratification cannot ordinarily cure an absence of jurisdiction. Where Management purports to dismiss an officer and the Council subsequently "approves" that dismissal without independently exercising its statutory judgment, the defect lies not merely in procedure but in institutional competence. The final disciplinary decision must originate from the authority designated by law rather than be retrospectively validated through administrative approval.

This governance principle is equally important in defining the relationship between statutory institutions and supervising Ministries. Rule 170201 recognises the supervisory role of the Minister in matters of government policy while preserving the statutory autonomy of Governing Boards and Councils in matters entrusted to them by legislation. The Minister may issue policy directives and exercise general oversight, but such authority does not extend to exercising disciplinary jurisdiction vested by statute in the Governing Council or other competent authority. Ministerial directives, executive circulars, or political instructions therefore cannot lawfully substitute for decisions that the enabling legislation reserves to the statutory decision-maker. The distinction between policy supervision and disciplinary jurisdiction preserves institutional independence and ensures that disciplinary accountability remains with the authority to which Parliament has entrusted it.

The courts have consistently reinforced this allocation of decision-making competence. In *Baba v. Nigerian Civil Aviation Training Centre*,[43] the Supreme Court recognised that investigative findings acquire legal significance only when considered and acted upon by the statutory authority empowered to determine the matter. *Oloruntoba-Oju v. Abdul-Raheem & Ors*[44] reaffirmed that statutory disciplinary powers cannot be displaced by administrative convenience or exercised by an authority lacking statutory competence. Similarly, *Adeniyi v. Governing Council, Yaba College of Technology*[45] and *Magit v. University of Maiduguri*[46] emphasised that disciplinary authority must be exercised through the institution and decision-maker designated by law, and that proceedings undertaken by an unauthorised body cannot subsequently be legitimised through administrative ratification. Collectively, these authorities demonstrate that institutional accountability follows decision-making competence. The person or body that owns the disciplinary decision also bears legal responsibility for its validity.

The fourth pillar of the PAF may therefore be stated as follows:

> *Proposition 4 (Decision-Making Competence): A disciplinary process becomes legally effective only when the final decision is independently made by the authority designated by statute or other applicable legal instrument. Delegation of investigative functions does not transfer final disciplinary jurisdiction, and statutory responsibility cannot be displaced through abdication, ratification, or ministerial interference.*

The first four pillars of the PAF collectively explain the internal governance of statutory discipline: jurisdiction creates authority; institutional constitution identifies the competent organ; procedural integrity regulates the exercise of authority; and decision-making competence determines who bears legal responsibility for the disciplinary outcome. The fifth and final pillar examines the external mechanism through which these governance arrangements are enforced—the system of judicial control exercised principally by the NICN.

Pillar V: Judicial Control

The first four pillars of the PAF explain how statutory institutions should govern disciplinary authority internally. Pillar V introduces the external constitutional mechanism that validates, corrects, and continuously shapes that internal governance architecture—*judicial control*. Whereas the preceding pillars regulate institutional self-governance, judicial control ensures that statutory institutions remain accountable to the law rather than merely to their own administrative processes. Within the PAF, judicial review is therefore conceived not simply as a mechanism for resolving employment disputes but as an instrument of *constitutional accountability*. It assesses whether disciplinary authority originated from a lawful source, was exercised by the proper institutional organ, complied with procedural fairness, and culminated in a decision made by the competent statutory authority. Judicial review thus completes the procedural architecture by providing an external legal check on the integrity of the entire disciplinary system.

The constitutional foundation of this supervisory function is Section 254C of the *Constitution of the Federal Republic of Nigeria* 1999 (as amended), introduced through the Third Alteration Act, which confers exclusive jurisdiction on the NICN over labour, employment, industrial relations, and related matters. The constitutional elevation of the NICN fundamentally transformed Nigerian labour adjudication by creating a specialised court capable of developing coherent employment jurisprudence and promoting consistency in the interpretation of labour legislation (Emudainohwo, 2020). The Court's specialised jurisdiction has enabled it to scrutinise not only the substantive legality of disciplinary decisions but also the institutional processes through which those decisions are produced. As a result, judicial review has increasingly become an instrument for improving governance within public institutions rather than merely resolving disputes between employers and employees.

Within the PAF, judicial review is organised around the concept of *procedural ultra vires*. While traditional administrative law distinguishes between *substantive ultra vires* (acting without legal authority) and *procedural ultra vires* (exercising lawful authority through an unlawful process), the PAF extends the latter concept by treating procedural legality as an integrated governance architecture rather than a collection of isolated procedural steps. Courts therefore review disciplinary decisions against four cumulative standards corresponding to the preceding pillars of the Framework: (i) whether disciplinary authority originated from a lawful statutory source; (ii) whether it was exercised by the competent institutional organ; (iii) whether the disciplinary process complied with constitutional and statutory requirements of procedural fairness; and (iv) whether the final decision emanated from the authority designated by law. Failure at any of these stages renders the disciplinary process procedurally ultra vires because the defect affects the legality of the institutional architecture itself rather than merely a discrete procedural act.

This understanding explains the evolving relationship between the NICN and the appellate courts. The Supreme Court has traditionally focused on strict compliance with enabling statutes in determining the validity of statutory employment decisions. The NICN, while remaining bound by Supreme Court precedent, has increasingly complemented this statutory approach with broader

[43] (1991) 5 NWLR (Pt. 192) 388
[44] (2009) 13 NWLR (Pt. 1157) 83
[45] (1993) 6 NWLR (Pt. 300) 426
[46] (2005) 10 NWLR (Pt. 932) 211

considerations of procedural fairness, international labour standards, and institutional accountability where constitutionally and statutorily appropriate (Adaralegbe, 2024; Emudainohwo, 2020). Rather than representing competing judicial philosophies, these approaches may be understood as complementary dimensions of statutory governance. The Supreme Court defines the legal boundaries of disciplinary authority, while the NICN increasingly evaluates whether disciplinary administration satisfies contemporary standards of fairness, accountability, and good governance.

Judicial review consequently performs a broader governance function than merely protecting individual employees. It reinforces institutional accountability by ensuring that statutory bodies exercise public power through legally authorised structures and procedures. Decisions declaring dismissals null and void, ordering reinstatement, awarding arrears of salary, or granting declaratory relief are not simply remedies for individual injustice; they are constitutional mechanisms for preserving the integrity of statutory governance. In this respect, judicial intervention generates *institutional learning*. Each judicial decision clarifies the procedural expectations imposed upon statutory employers, encourages improvements in disciplinary governance, and reduces the likelihood of future procedural failures. Judicial review therefore functions as a feedback mechanism through which administrative practice is progressively aligned with constitutional and statutory requirements.

This governance function gives rise to the final principle of the PAF:

> *Architectural Review Principle: Judicial review evaluates the legality of the disciplinary architecture as an integrated institutional process rather than as a series of isolated procedural events. A defect in any preceding pillar undermines the legality of the disciplinary process as a whole and renders the resulting decision vulnerable to judicial invalidation.*

The fifth pillar of the PAF may therefore be stated as follows:

> *Proposition 5 (Judicial Control): The legality of statutory discipline is ultimately determined through judicial review. Courts evaluate the cumulative integrity of the procedural architecture by examining the legality of jurisdiction, institutional competence, procedural fairness, and decision-making competence. Judicial control therefore serves not only as a mechanism of legal correction but also as a constitutional system of institutional accountability and governance improvement.*

The PAF therefore reconceptualises statutory discipline from a sequence of disconnected legal rules into an integrated governance architecture. The legality of disciplinary action depends upon the cumulative interaction of jurisdictional authority, institutional constitution, procedural integrity, decision-making competence, and judicial control. Figure 2 illustrates the PAF as an integrated governance model in which jurisdiction, institutional competence, procedural integrity, decision-making competence, and judicial review operate sequentially and interdependently, so that a defect at any earlier stage ordinarily invalidates the legality of the disciplinary process as a whole. Indeed, judicial review does not merely invalidate defective disciplinary actions; it closes and continuously renews the governance cycle by transforming constitutional adjudication into a mechanism of institutional learning, accountability, and procedural improvement.

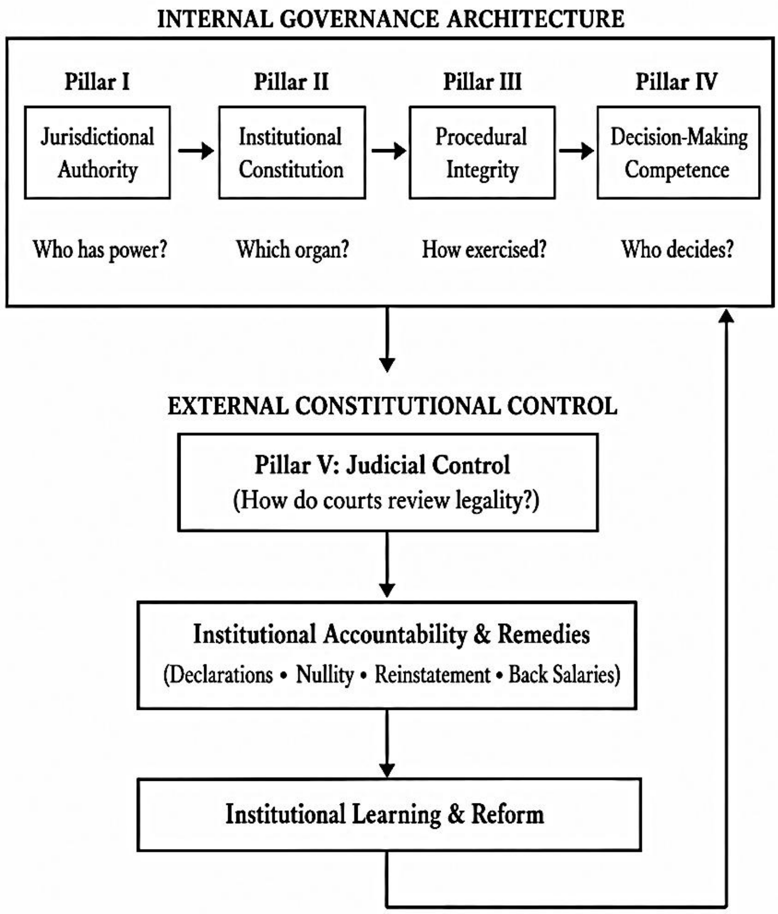

Figure 2. An Integrated Governance Model for Statutory Discipline

Structural Sources of Procedural Invalidity

The PAF developed in the preceding section identifies the legal conditions under which statutory disciplinary authority may be validly exercised. An equally important question, however, remains unanswered: if the governing legal principles are relatively settled, why do Nigerian public institutions continue to lose disciplinary litigation? This article argues that the answer lies less in doctrinal uncertainty than in structural weaknesses in institutional governance. The repeated judicial invalidation of disciplinary decisions reflects recurring failures in the design and operation of institutional disciplinary systems rather than isolated procedural mistakes by individual administrators. In other words, procedural invalidity is primarily a governance problem. The explanatory value of the PAF lies precisely in demonstrating that most disciplinary failures can be traced to identifiable defects within one or more of its five pillars. The discussion that follows therefore shifts the analysis from what the law requires to why institutions repeatedly fail to satisfy those requirements.

Administrative Convenience versus Statutory Compliance

One of the most persistent causes of procedural invalidity is the tendency for administrative convenience to displace statutory compliance. Faced with pressure to resolve disciplinary matters quickly, institutions frequently adopt informal practices that bypass or abbreviate mandatory statutory procedures. Queries are inadequately framed, disciplinary committees are hastily constituted, statutory procedures are compressed, and disciplinary sanctions are sometimes implemented before the prescribed processes have been completed. These practices often reflect an organisational culture that values speed, managerial control, and administrative efficiency over legal compliance.

The PAF demonstrates that such shortcuts primarily undermine Pillar III—Procedural Integrity. In statutory employment, procedural safeguards are not technical formalities that may be relaxed whenever misconduct appears obvious; they are conditions precedent to the lawful exercise of disciplinary authority. Administrative convenience therefore cannot substitute for statutory compliance because the legality of disciplinary action depends upon the integrity of the process through which it is exercised. As the Supreme Court reaffirmed in *Baba v. Nigerian Civil Aviation Training Centre*,[47] disciplinary authority protected by statute must be exercised consistently with the requirements of fair hearing and due process. Likewise, studies of procedural irregularities in Nigerian administrative law conclude that inconsistent adherence to mandatory procedures remains one of the principal causes of successful judicial challenges (Etti & Yekini, 2017).

Misunderstanding of Institutional Competence

A second structural weakness concerns the widespread misunderstanding of institutional competence. Many public institutions assume that because a Rector, Vice-Chancellor, Permanent Secretary, or Chief Executive Officer occupies the highest administrative office, that official necessarily possesses authority to exercise disciplinary jurisdiction. This assumption conflates administrative leadership with legal competence.

The PAF demonstrates that disciplinary jurisdiction belongs not to individuals by virtue of office but to institutions acting through organs designated by law. Consequently, the Rector or Management may coordinate investigations and supervise administrative processes without possessing the statutory authority to determine disciplinary outcomes reserved to the Governing Council or another competent body. This misunderstanding primarily undermines Pillars I and II, where jurisdiction and institutional constitution are established. Decisions of the Supreme Court in *Federal Civil Service Commission v. Laoye*[48] and *Oloruntoba-Oju v. Abdul-Raheem & Ors*[49] consistently emphasise that statutory disciplinary powers must be exercised only by the authority identified in the applicable legislation. Institutional hierarchy cannot create jurisdiction where the statute has withheld it.

The distinction between legal competence and administrative capacity is equally important. An institution may possess experienced administrators and efficient internal procedures yet still act unlawfully if disciplinary authority is exercised by an organ lacking statutory competence. Conversely, legally competent institutions may fail because they lack the administrative capacity necessary to implement statutory procedures effectively. Effective governance therefore requires both legal authority and institutional capability.

Procedural Ultra Vires

The recurring invalidation of disciplinary decisions is best explained through the concept of procedural ultra vires, which constitutes the principal explanatory construct of this article. Classical administrative law distinguishes between actions taken without legal authority (*substantive ultra vires*) and actions taken through unlawful procedures (*procedural ultra vires*). The PAF extends this understanding by demonstrating that procedural invalidity is rarely attributable to a single procedural defect. Instead, it reflects failure within an integrated governance architecture.

Under the PAF, three related forms of institutional invalidity may be identified. *Jurisdictional ultra vires* arises where disciplinary authority has no lawful statutory foundation (Pillar I). *Institutional ultra vires* occurs where authority is exercised by an organ or committee lacking legal competence, notwithstanding the existence of statutory jurisdiction (Pillar II). *Procedural ultra vires*, in its narrower sense, arises where the competent authority conducts disciplinary proceedings in breach of constitutional or statutory requirements of fair hearing or where the final decision is made by an unauthorised decision-maker (Pillars III and IV). Judicial review under Pillar V evaluates the cumulative effect of these defects rather than treating them as isolated procedural events.

The significance of this concept is that defects occurring within one pillar cannot ordinarily be cured through compliance at a later stage. A procedurally flawless hearing cannot validate proceedings commenced by an unauthorised committee. Likewise, a lawful decision of the Governing Council cannot retrospectively cure disciplinary proceedings that violated mandatory statutory procedures or constitutional guarantees of fair hearing. The legality of statutory discipline therefore depends upon the cumulative integrity of the entire procedural architecture.

Governance Deficits

The persistence of procedural invalidity ultimately reflects broader governance deficits embedded within many Nigerian public institutions. These weaknesses may be grouped into three interrelated categories.

The first comprises structural deficits, including weak legal advisory systems, inadequate institutional compliance mechanisms, and poorly resourced Human Resource departments. Legal advisers are frequently consulted only after disciplinary decisions

[47] (1991) 5 NWLR (Pt. 192) 388
[48] (1989) 2 NWLR (Pt. 106) 652
[49] (2009) 13 NWLR (Pt. 1157) 83

have been taken rather than being integrated into the disciplinary process from its inception. Human Resource personnel often possess considerable administrative experience but insufficient knowledge of enabling statutes, judicial precedents, and statutory disciplinary procedures.

The second comprises behavioural deficits, manifested in the routine preference for administrative convenience over statutory compliance. Organisational practices become institutionalised even when they are inconsistent with enabling legislation or the Public Service Rules, producing repeated procedural errors across successive disciplinary proceedings.

The third comprises political and governance deficits, including external interference, ministerial influence, patronage, and inadequate appreciation of institutional autonomy. Rather than allowing statutory organs to exercise disciplinary authority independently, institutions sometimes permit external administrative or political considerations to influence decisions reserved by law to the Governing Council or other competent authority. Contemporary studies of Nigerian public administration similarly identify weak institutional capacity, poor compliance systems, ineffective governance structures, and political interference as recurring impediments to lawful public administration (Lawan et al., 2019; Magbadelo, 2016; Omotoso, 2014). These findings reinforce the argument that procedural invalidity is rooted in institutional governance rather than individual error.

The analysis presented in this section may therefore be summarised in what this article describes as the Structural Invalidity Principle:

> *Structural Invalidity Principle: Procedural invalidity is the cumulative product of defects embedded within an institution's governance architecture rather than isolated errors occurring during disciplinary proceedings. Consequently, sustainable compliance requires institutional reform rather than merely improved procedural observance.*

Recent NICN jurisprudence demonstrates that the four forms of governance failure identified by the PAF recur across Nigerian public institutions. Jurisdictional defects are illustrated by *Salami*[50] and *Anyaele*[51]; institutional constitution by *Ezekiel*[52] and *Eke*[53]; procedural integrity by *Audu*,[54] *Akande*,[55] *Obu*,[56] and *Ahmed*[57]; and decision-making competence by *Dr. Imasuen*[58] and *Okafor*.[59] The recurrence of these categories across different institutions supports the argument that procedural invalidity is structural rather than episodic.

The central explanatory claim of this article therefore becomes clear. Nigerian public institutions do not repeatedly lose disciplinary litigation because the law governing statutory employment remains uncertain. They lose because their governance architecture repeatedly fails to satisfy settled legal requirements. The PAF explains these failures by demonstrating how recurring governance deficiencies undermine the cumulative integrity of statutory disciplinary processes and, ultimately, expose institutions to judicial invalidation.

Institutional Governance Implications: Towards Jurisdictional Compliance

The PAF developed in this article explains how the legality of statutory disciplinary action should be assessed. Its principal practical contribution, however, lies not merely in explaining why disciplinary decisions fail but in providing a governance mechanism capable of preventing those failures. If, as argued in the preceding section, procedural invalidity is primarily a product of defective institutional governance rather than legal uncertainty, then institutional reform should focus on preventive jurisdictional compliance rather than reactive litigation management. This article therefore proposes the Jurisdictional Compliance Framework (JCF) as an implementation model that operationalises the PAF. Whereas the PAF is an analytical framework for evaluating the legality of disciplinary authority, the JCF is a governance framework for ensuring that disciplinary decisions satisfy legal requirements before they are implemented.

The need for the JCF arises from an important paradox within Nigerian public administration. Most Ministries, Departments, and Agencies (MDAs) already possess Human Resource Departments, Registry units, Legal Services Directorates, disciplinary committees, and Governing Councils. Yet disciplinary litigation remains common because these institutional actors frequently operate in isolation rather than through an integrated compliance process. The problem is therefore not the absence of institutional structures but the absence of a coordinated governance mechanism capable of verifying jurisdictional compliance across the entire disciplinary process. The JCF addresses this gap by integrating legal verification into routine administrative decision-making rather than leaving procedural compliance to judicial correction after disciplinary action has been challenged.

The JCF translates the five pillars of the PAF into a sequential institutional verification process consisting of five stages:

Stage 1: Jurisdiction Verification: Confirm that disciplinary authority derives from the applicable enabling statute, Conditions of Service, or the Public Service Rules (Rules 010101, 020101, 100102, and 170101).

Stage 2: Institutional Verification: Confirm that the disciplinary committee or Board of Inquiry has been lawfully constituted, that its nomenclature reflects statutory authority rather than administrative convenience, and that the competent institutional organ—rather than Management acting alone—possesses disciplinary jurisdiction (Rules 100307(v) and 170301(i)).

Stage 3: Procedural Verification: Verify that a valid query has been issued, fair hearing requirements have been satisfied, investigative and adjudicatory functions remain institutionally separate, and all mandatory procedural safeguards have been observed (Rules 100302 and 100307(i)–(vi)).

Stage 4: Decision Verification: Confirm that the final disciplinary decision has been independently considered and approved by the authority designated by law rather than by an investigative

[50] *Salami v. Vice-Chancellor, University of Ilorin & Ors* (2023) Suit No: NICN/IL/02/2021; Judgment delivered March 30, 2023.
[51] *Anyaele v. Federal University of Technology, Owerri* (2023) Suit No: NICN/OW/37/2021; Judgment delivered February 21, 2023.
[52] *Ezekiel v. Federal University, Otuoke* (2022) Suit No: NICN/YEN/26/2019; Judgment delivered January 27, 2022.
[53] *Eke v. Abia State University* (2022) Suit No: NICN/OW/47/2016; Judgment delivered May 23, 2022.
[54] *Audu v. Petroleum Training Institute & Anor* (2023) Suit No: NICN/WAR/02/2021; Judgment delivered May 11, 2023.
[55] *Akande v. University of Ilorin & Ors* (2022) Suit No: NICN/IL/03/2021; Judgment delivered May 25, 2022.
[56] *Obu v. University of Nigeria, Nsukka* (2018) Suit No: NICN/EN/50/2015; Judgment delivered July 10, 2018.
[57] *Ahmed v. Ahmadu Bello University, Zaria* (2016) 64 NLLR (Pt. 228) 545.
[58] *Dr. Imasuen v. University of Benin* (2021) Suit No: NICN/BEN/31/2019; Judgment delivered June 1, 2021.
[59] *Okafor v. University of Lagos* (2023) Suit No: NICN/LA/618/2018; Judgment delivered April 18, 2023.

committee, Management, or an external administrative authority (Rules 100102, 100307(ix)–(x), 170201, and 170301).

Stage 5: Legal Audit and Compliance Certification: Before any dismissal, termination, compulsory retirement, or other major disciplinary sanction is communicated, the institution's Legal Services Directorate should certify that every stage of the disciplinary process complies with the enabling legislation, the Public Service Rules, constitutional requirements of fair hearing, and applicable judicial precedents. The legal audit should verify jurisdiction, committee competence, procedural compliance, documentary sufficiency, and decision-making authority, thereby providing institutional assurance that the disciplinary process is legally sustainable.

The JCF is designed to address precisely the categories of institutional failure repeatedly identified in recent NICN jurisprudence. Its first two stages—Jurisdiction Verification and Institutional Verification—respond to defects relating to statutory authority, committee constitution, and institutional competence that have resulted in the invalidation of disciplinary proceedings in cases such as *Salami v. Vice-Chancellor, University of Ilorin & Ors*,[60] *Anyaele v. Federal University of Technology, Owerri*,[61] *Ezekiel v. Federal University, Otuoke*,[62] and *Eke v. Federal Polytechnic, Nekede*.[63]

The remaining stages translate the courts' procedural requirements into an institutional governance protocol. Procedural Verification incorporates the safeguards emphasised in *Audu v. Petroleum Training Institute & Anor*,[64] *Akande v. University of Ilorin & Ors*,[65] *Obu v. University of Nigeria, Nsukka*,[66] and *Ahmed v. Ahmadu Bello University, Zaria*,[67] while Decision Verification and Legal Audit seek to prevent the decision-making defects identified in *Dr. Imasuen v. University of Benin*[68] and *Okafor v. University of Lagos*.[69] The JCF therefore converts recurring judicial lessons into a preventive governance mechanism capable of reducing procedural invalidity before disciplinary decisions are implemented.

The JCF is designed as a preventive governance mechanism, not merely a litigation checklist. By institutionalising legal verification before disciplinary decisions are implemented, it transforms compliance from an episodic legal review into a routine element of organisational governance. Such an approach is likely to reduce avoidable litigation, minimise orders of reinstatement and payment of arrears of salary, strengthen institutional accountability, enhance administrative consistency, and improve public confidence in disciplinary administration. The Public Service Rules themselves contemplate a structured disciplinary sequence in which queries, investigations, recommendations, and final decisions are allocated to distinct institutional actors, underscoring that lawful discipline depends upon systematic procedural compliance rather than administrative discretion.

The broader significance of the JCF extends beyond disciplinary administration. It operationalises the rule of law within public institutions by embedding statutory compliance into everyday administrative practice. In this respect, the article's three principal contributions are complementary. The PAF explains the legal architecture of statutory discipline; procedural ultra vires explains why institutions repeatedly fail within that architecture; and the JCF provides the institutional mechanism for preventing those failures. Together, these constructs move the discussion from doctrinal analysis to governance reform.

This relationship may be expressed through the Jurisdictional Compliance Principle:

> *Jurisdictional Compliance Principle: The legality of disciplinary action is most effectively protected through systematic institutional verification before disciplinary decisions are implemented rather than through judicial correction after they have been challenged.*

Accordingly, the JCF should be adopted as a standard governance protocol across Nigerian MDAs, Federal Polytechnics, Universities, and other statutory bodies. Institutional legality should become a routine administrative practice rather than a judicially imposed correction. Such an approach would not only reduce procedural invalidity but also strengthen accountability, reinforce public confidence in statutory institutions, and promote a culture of rule-based governance throughout the Nigerian public service.

Conclusion

This article has demonstrated that the recurring failure of disciplinary decisions in Nigerian statutory employment is fundamentally a problem of institutional governance rather than doctrinal uncertainty. Although the legal principles governing employment with statutory flavour have been firmly established through legislation and judicial precedent, public institutions continue to experience judicial invalidation because disciplinary authority is frequently exercised through defective institutional arrangements. The central argument advanced throughout this article is therefore that statutory employment is best understood not merely as a doctrine of protected tenure but as a system of legally structured institutional governance. The legality of disciplinary action depends upon the integrity of the procedural architecture through which statutory authority is created, allocated, exercised, and reviewed.

The article has answered its four principal research questions. First, it has shown that the procedural architecture of statutory employment consists of a sequence of interdependent legal and institutional requirements governing disciplinary authority. Secondly, it has demonstrated that disciplinary authority derives its legal validity from statute and becomes legally effective only when exercised by the institution and decision-maker designated by law. Thirdly, it has explained why disciplinary proceedings frequently collapse despite compelling evidence of misconduct: the decisive issue is often not whether misconduct occurred but whether the institution exercised disciplinary power through a legally competent governance structure. Finally, it has shown that sustainable improvement in disciplinary administration depends upon strengthening institutional governance rather than merely refining substantive legal doctrine.

Five principal conclusions emerge from the analysis. First, statutory employment is fundamentally procedural because statutory protection derives its practical force from compliance with legally prescribed disciplinary processes. Secondly, procedural architecture determines legal validity; disciplinary authority cannot lawfully exist independently of the institutional arrangements through which it is exercised. Thirdly, institutional competence is as important as substantive misconduct, since even well-founded

[60] (2023) Suit No: NICN/IL/02/2021; Judgment delivered March 30, 2023.
[61] (2023) Suit No: NICN/OW/37/2021; Judgment delivered February 21, 2023.
[62] (2022) Suit No: NICN/YEN/26/2019; Judgment delivered January 27, 2022.
[63] (2022) Suit No: NICN/OW/47/2016; Judgment delivered May 23, 2022.
[64] (2023) Suit No: NICN/WAR/02/2021; Judgment delivered May 11, 2023.
[65] (2022) Suit No: NICN/IL/03/2021; Judgment delivered May 25, 2022.
[66] (2018) Suit No: NICN/EN/50/2015; Judgment delivered July 10, 2018.
[67] (2016) 64 NLLR (Pt. 228) 545.
[68] (2021) Suit No: NICN/BEN/31/2019; Judgment delivered June 1, 2021.
[69] (2023) Suit No: NICN/LA/618/2018; Judgment delivered April 18, 2023.

allegations cannot sustain disciplinary decisions reached by an unauthorised body or through procedurally defective processes. Fourthly, judicial review performs a governance function that extends beyond correcting procedural defects. Through the supervisory jurisdiction of the NICN and the appellate courts, judicial review establishes governance standards, reinforces institutional accountability, and promotes fidelity to the rule of law within public administration. Finally, the article has demonstrated that lawful disciplinary administration depends upon the cumulative interaction of jurisdiction, institutional competence, procedural integrity, decision-making competence, and judicial oversight rather than upon any single procedural requirement.

The article makes three complementary contributions to the literature. The PAF reconceptualises statutory employment as an integrated governance architecture rather than merely a doctrinal category of protected employment. The concept of procedural ultra vires provides a new explanatory lens for understanding why public institutions repeatedly lose disciplinary litigation despite settled legal principles. The JCF translates these theoretical insights into a practical governance model capable of preventing procedural invalidity through systematic institutional verification before disciplinary decisions are implemented. Collectively, these contributions explain the legal foundations of statutory discipline, diagnose the structural causes of institutional failure, and propose an implementable governance strategy for improving disciplinary administration across Nigerian public institutions.

Although the analysis has focused on Nigeria, its implications extend beyond a single jurisdiction. Many Commonwealth countries—including Ghana, Kenya, South Africa, Malaysia, India, Australia, and the United Kingdom—operate statutory employment regimes in which disciplinary authority is regulated by legislation and subject to judicial review. Future comparative research could therefore examine how different jurisdictions allocate disciplinary authority, constitute disciplinary bodies, regulate delegation, protect procedural fairness, and supervise statutory decision-making. Such comparative inquiry would test the wider applicability of the PAF while enriching broader debates on public-sector governance, administrative legality, and the rule of law.

Ultimately, the significance of this article lies not only in explaining why public institutions lose disciplinary litigation but also in demonstrating how such failures can be prevented. The PAF explains the legal architecture of statutory discipline; procedural ultra vires explains why that architecture fails in practice; and the JCF provides a governance mechanism for preventing those failures. Together, these constructs reposition statutory employment from a narrow field of labour law to a broader theory of institutional governance. In statutory employment, legality is achieved not merely by possessing disciplinary power, but by preserving the integrity of the institutional architecture through which that power is exercised.

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