



EXAMINING THE ACCOUNTABILITY OF NIGERIAN UNIVERSITIES IN DEGREE CONFERRAL: A REVIEW OF VICTOR v. F.U.T.A. (2026) 8 NWLR (Pt. 2044) 33.



Introduction

For decades, universities in Nigeria have operated under a high level of institutional autonomy and independence. Courts on the other had have traditionally approached academic related disputes with utmost care and caution, often reiterating that judges are not experienced examiners and that universities possess exclusive competence over academic assessment, grading, degree classification, and certification. This judicial deference became a generally accepted concept of Nigerian educational jurisprudence, founded upon the belief that academic institutions are better equipped than courts to determine and decide academic merit.

Nevertheless, under this concept of autonomy lies a persistent and difficult question: “what happens when the machinery of academic administration itself becomes the source of injustice? What remedy exists where a student is not challenging academic standards, but rather the failure of a university to transparently and fairly apply those standards? Can a university invoke autonomy where negligence, arbitrariness, incompetence, or administrative indifference destroys the academic and professional future of a student?”

The Supreme Court of Nigeria confronted these questions directly in *Victor v. Federal University of Technology, Akure (F.U.T.A)*¹. The decision of this case is arguably one of the most important judicial pronouncements on university accountability in Nigeria's modern legal history. Beyond the immediate dispute concerning examination scores and degree classification, the case fundamentally modified the legal obligations owed by universities to their students.

The significance of the decision lies in the Court's unequivocal recognition that universities owe students a legally enforceable duty of care in tort. More importantly, the Supreme Court demonstrated a willingness to impose substantial financial consequences for breaches of that duty, awarding ₦18,000,000.00 as damages for the hardship occasioned by the university's conduct. The judgment therefore marks a significant transformation in Nigerian educational law, reflecting a shift from the orthodox doctrine of absolute academic independence and discretion towards a more balanced framework that recognizes both institutional autonomy and accountability.

The Facts and Procedural History

The dispute originated from the academic records of Mr. Adebayo Afolabi Victor, a Mechanical Engineering student of the Federal University of Technology, Akure. Following the completion of his academic programme, the appellant became dissatisfied with the cumulative grade point average (CGPA) assigned to him by the university.

According to Mr. Victor, several course scores did not reflect his true performance and resulted in the award of a Second Class Lower Division degree rather than the Second Class Upper Division classification he believed he had earned. He repeatedly requested the university authorities to investigate the said disputed scores and permit independent remarking of the affected scripts. Rather than receiving a transparent resolution of his complaints, the Mr. Victor encountered years of administrative resistance. Between 2007 and 2011, he made numerous efforts to persuade the university to investigate the matter. These efforts proved unsuccessful.

¹(2026) 8 NWLR (Pt. 2044) 33.

Consequently, he instituted an action at the Federal High Court in 2011 seeking, among other reliefs, an order compelling the university to permit independent remarking of the disputed scripts and release his transcripts and certificate reflecting his true academic performance. The matter was initially struck out as statute-barred by the trial court in 2013. However, the Court of Appeal reversed that decision and remitted the matter for trial on the merits.

Following a full trial, the Federal High Court found merit in the appellant's complaints. The court ordered the remarking of the disputed scripts by external examiners and directed the respondents to issue a final result and transcripts reflecting the appellant's actual performance. The trial court further awarded 500,000.00 as general damages.

Dissatisfied, the university appealed to the Court of Appeal. The appellant, Mr. Victor, also cross-appealed, contending that the damages awarded were grossly inadequate. The Court of Appeal substantially affirmed the trial court's decision. Particularly significant was its finding that the university's refusal to produce relevant academic records after receiving notice to produce attracted the presumption under **Section 167 of the Evidence Act** that the withheld evidence would have been unfavourable to the university.

Despite the affirmation of the judgment, the university continued the litigation by appealing to the Supreme Court. Eventually, following mediation at the apex court, the university complied with the earlier orders and submitted the disputed scripts for independent remarking.

The remarking exercise confirmed that the appellant was entitled to a Bachelor of Engineering degree with Second Class Upper Division honours. The position he had maintained for over a decade was ultimately vindicated. The only issue left for determination before the Supreme Court was whether the damages awarded by the lower courts adequately compensated the appellant for the hardship he suffered.

The Traditional Doctrine of University Autonomy

One of the most significant aspects of the judgment is the Court's cautious preservation of the doctrine of university autonomy while simultaneously redefining its limits. The

Supreme Court reaffirmed the long-standing principle that universities possess the exclusive authority to determine academic standards and award degrees. This principle derives from the statutory powers granted to universities under their enabling laws and has been consistently recognized by Nigerian courts.

In *University of Magit v. University of Agric.*², *Makurdi*, the Supreme Court stressed that universities possess the sole authority to decide whether a student has satisfied the requirements for the award of a degree. Similarly, earlier authorities such as *Akintemi v. Onwumechili*³ and *University of Calabar v. Esiaga*⁴ established that courts must refrain from substituting their own academic judgment for that of university authorities.

The rationale behind this is obvious, that academic institutions possess expertise that courts do not. Judges are not trained or experienced examiners, professors, or academic assessors. As a result, courts have generally avoided involvement in matters relating to grading, curriculum development, academic evaluation, and degree classification.

However, *Victor v. F.U.T.A.* clarifies that the autonomy universities in Nigeria have was never intended to operate as a licence for arbitrariness. The Supreme Court observed that while universities possess broad discretion in academic matters, such discretion must be exercised within the framework of legality, fairness, transparency, and responsibility.

In perhaps the most powerful statement of the judgment, the Court declared that university autonomy does not connote impunity and lack of accountability. This pronouncement significantly narrows the tendency of institutions to invoke autonomy as a blanket defence against scrutiny.

The Emergence of a Tortious Duty of Care

The most transformative contribution of this judgment lies in its articulation of a university's duty of care as a tortious obligation.

Although previous decisions had protected students from unlawful disciplinary actions or wrongful withholding of certificates, Nigerian courts had rarely undertaken a comprehensive analysis of the university-student

² (2005) 19 NWLR (Pt. 959) 211

³ (1985) 1 NWLR (Pt. 1) 68

⁴ (1997) 4 NWLR (Pt. 502) 719

relationship through the lens of tort law. Justice Ogunwumiju identified the lacunae and seized the opportunity to bridge this doctrinal gap.

The Court held that universities owe students a legal and ethical responsibility to protect them from foreseeable academic, procedural, administrative, and psychological harm.

The judgment is particularly remarkable because it conceptualizes university obligations beyond mere contractual relationships. Instead, the Court recognized that the relationship generates obligations similar to other established duties of care recognized in negligence law. In defining the concept, the Court explained that a duty of care requires an institution to act with the degree of competence and responsibility expected of a reasonable university operating under similar circumstances.

This formulation aligns Nigerian jurisprudence with developments in other common law jurisdictions where educational institutions increasingly owe actionable duties to students.

The Scope of the University's Duty of Care

The Court proceeded to identify multiple dimensions of the duty owed by universities. The academic duty of care requires institutions to establish fair and transparent assessment systems, provide competent teaching and supervision, ensure consistency in grading practices, and avoid arbitrary academic decision-making. This aspect is particularly important because it recognizes that academic fairness extends beyond the final award of grades. The integrity of the assessment process itself becomes legally relevant.

The Court further recognized an administrative and procedural duty of care. Universities are required to process complaints, appeals, transcripts, and academic records efficiently and fairly. Administrative negligence, prolonged delays, and failure to investigate legitimate complaints may therefore expose institutions to liability.

In addition, the Court identified a pastoral and welfare dimension to the university-student relationship. This aspect reflects modern developments in higher education governance across common law jurisdictions. Universities

are increasingly expected to appreciate the profound impact of academic decisions upon students' mental health, professional prospects, and overall welfare.

The Court's recognition of this broader obligation represents a significant departure from the narrow perception of universities as institutions concerned solely with academic instruction.

The Influence of Earlier Nigerian Authorities

Although *Victor v. F.U.T.A.* breaks new ground, it did not emerge in a jurisprudential vacuum. The judgment builds upon a line of authorities in which Nigerian courts gradually expanded protections available to students.

In *University of Ilorin v. Akinola*⁵, the Supreme Court upheld substantial damages against a university that persistently refused to issue a student's certificate despite settlement agreements and prior judicial intervention. Similarly, in *Mautech v. Yarai*⁶, the Court of Appeal affirmed an award of damages where a student was wrongfully expelled and denied access to his certificate.

Perhaps most comparable is *University of Port Harcourt v. Nwuzor*⁷, where the Supreme Court upheld a ₦25,000,000 award against a university for wrongfully denying a student's academic qualification.

These decisions collectively demonstrate an increasing judicial intolerance for administrative injustice within higher educational institutions. What distinguishes *Victor v. F.U.T.A.*, however, is its explicit recognition of the duty of care framework and its systematic articulation of the obligations arising therefrom.

The Significance of the Court of Appeal's Findings

The Court of Appeal's judgment played a critical role in shaping the eventual outcome. One of its most significant findings concerned the university's refusal to produce documents relevant to the disputed scores.

Invoking **Section 167 of the Evidence Act**, the Court held that the university's failure to produce the requested records justified the presumption that the withheld evidence would have been unfavourable to its case. This aspect of the judgment carries broader implications for future litigation involving universities.

⁵ (2014) 12 NWLR (Pt. 1422) 435

⁶ (2020) 15 NWLR (Pt. 1748) 395

⁷ (2024) 16 NWLR (Pt. 1965) 551

Educational institutions frequently possess exclusive control over academic records, scripts, grading sheets, and assessment materials. The Court of Appeal's approach demonstrates that universities cannot simultaneously withhold critical documents and then complain that students have failed to prove their claims.

The decision reinforces the principle that transparency remains central to academic accountability.

The Award of ₦18 Million Damages and the Future of Educational Litigation

Perhaps the most consequential aspect of the decision is the Court's approach to damages.

The Supreme Court considered the ₦500,000 awarded by the trial court and affirmed by the Court of Appeal to be manifestly inadequate. In reaching this conclusion, the Court considered the extraordinary hardship suffered by the appellant. For over a decade, he was denied the opportunity to properly utilize the degree he had earned. He lost professional opportunities, experienced prolonged emotional distress, and was unable to access a fully funded postgraduate scholarship opportunity in the United Kingdom.

The Court emphasized that damages in such circumstances cannot be merely symbolic or perfunctory. They must be genuinely compensatory.

By increasing the award to ₦18,000,000, the Supreme Court signaled that educational institutions may face substantial financial consequences where administrative misconduct inflicts serious harm upon students. The decision therefore introduces a significant deterrent dimension into university governance.

Institutions that previously regarded prolonged delays and administrative indifference as inconsequential may now be compelled to reassess their internal systems.

Comparative Perspectives from English Jurisprudence

Historically, English courts displayed reluctance to interfere with academic matters. However, a distinction gradually emerged between challenges directed at academic

judgment and challenges directed at administrative or procedural failings.

In *Clark v. University of Lincolnshire and Humberside*⁸, the Court of Appeal held that while courts should not ordinarily review academic assessments, students may pursue claims arising from alleged breaches of duties owed by universities in the administration of their affairs. The decision has become a leading authority on the limits of academic deference and the circumstances in which judicial scrutiny is permissible.

The decision in *Phelps v. Hillingdon London Borough Council*⁹ further demonstrated the willingness of English courts to recognize duties of care within educational settings. Although the case concerned educational psychology rather than university administration, the House of Lords affirmed that educational professionals may owe actionable duties where negligence causes foreseeable harm.

More recently, in *AB v University of XYZ*¹⁰ and other recent student-university disputes, English courts have shown an increasing willingness to scrutinise university decision-making where issues of procedural fairness, student rights, disciplinary processes, and institutional responsibility arise. While English law continues to respect academic autonomy and academic judgment, universities are no longer regarded as immune from ordinary principles of contractual, administrative, and common law accountability. While English law continues to preserve academic freedom, it no longer treats educational institutions as immune from ordinary principles of accountability.

The Supreme Court's articulation of academic, administrative, procedural, and pastoral duties of care in *Victor v. F.U.T.A.* closely mirrors these developments and places Nigerian jurisprudence within the broader common law movement toward institutional responsibility.

Conclusion

The decision in *Victor v. F.U.T.A.* represents one of the most important developments in Nigerian educational jurisprudence since the return to democratic governance. The judgment preserves the doctrine of university autonomy while simultaneously ensuring that autonomy remains

⁸ [2000] 1 WLR 1988

⁹ [2001] 2 AC 619

¹⁰ [2020] EWHC 2978 (QB)

subject to the principles of legality, fairness, transparency, and accountability.

More importantly, it firmly establishes that universities owe students a duty of care capable of enforcement through the law of tort. The decision reflects a judicial recognition that academic institutions exercise immense power over the futures of students and that such power must be exercised responsibly. The case therefore stands as a powerful reminder that while courts will not ordinarily interfere with academic judgment, they will not hesitate to intervene

where academic administration degenerates into arbitrariness, neglect, or injustice.

Ultimately, the enduring legacy of *Victor v. F.U.T.A.* may be its affirmation that a university's authority to confer degrees carries with it a corresponding obligation to act fairly, transparently, and responsibly. In modern Nigerian law, the era in which university autonomy could be invoked as a shield against accountability appears increasingly to be coming to an end.

