

ANALYZING THE SUPREME COURT'S DECISION IN **EMMA ELEGBE & ANOR. V HP INTERNATIONAL SCHOOLS LIMITED & ORS** (SC/CV/899/2025)

INTRODUCTION



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In the Nigerian legal landscape, a person's reputation is viewed as a fragile yet invaluable asset. The position of law on defamation serves as the primary shield for this interest, offering redress when false statements tend to lower an individual in the estimation of right-thinking members of society. Defamation is any written or printed article published without lawful justification that exposes a person to public contempt, ridicule, or professional disgrace is actionable. Whether the statement is an internal memo or a public disclaimer, the core of the injury remains the same: the unjustifiable tarnishing of a person's name.

A recurring tension in modern Nigerian litigation is the "jurisdictional turf war" between the State High Court and the National Industrial Court (National Industrial Court). Under Section 272(1) of the 1999 Constitution, the High Court enjoys a "general" jurisdiction over civil rights and liabilities; the traditional home for torts like libel and slander. Conversely, Section 254C of the 1999 Constitution grants the National Industrial Court exclusive authority over matters "arising from, connected with, or pertaining to" labor and employment.

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FACT OF THE CASE

The 1st Appellant, Emma Elegbe, was the Head of School for the 1st Respondent until her resignation in May 2020. Following her departure, the school directors (2nd–4th Respondents) informed parents that she resigned while under investigation. In response, the 1st Appellant sent an email to parents explaining her resignation, and the 2nd Appellant (her husband) posted a related message on a parents' WhatsApp platform. The Respondents (the school and its directors) sued the Appellants at the High Court of Lagos State, seeking declarations that communications were defamatory.

The central legal hurdle was whether the High Court actually had the jurisdiction to hear the case. The Appellants argued that because the dispute grew out of an employment relationship, Section 254C of the Constitution mandated that it belong exclusively to the National Industrial Court. The High ruled in favour in the Claimant (respondent) stating that the High Court had jurisdiction to entertain the matter. Dissatisfied with the ruling, the Defendants (appellants) appealed. However, the Supreme Court unanimously disagreed, affirming that the High Court had jurisdiction to entertain the matter.

JUDICIAL REASONING IN THE CASE

The Supreme Court affirmed the High Court's jurisdiction, however, each Justice offered specific legal nuances to support the conclusion that defamation is not an industrial matter.

Hon. Justice Helen Moronkeji Ogunwunmiju, JSC provided a stern warning against "muddling" the jurisdictions of the courts simply because the publication was made in the context of employment. She stated:

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- *"The fact that a defamatory publication was made within the context of an employment relationship does not transform such a claim into a labour or employment matter. While the employment relationship may constitute the factual background against which the tort occurred, to characterize every defamatory publication made in an employment context as 'employment-related' would defeat the purpose for which the NIC was established."*

She further elaborated on the danger of ousting the High Court's power:

- "...a liberal or expansive construction of Section 254C would yield ambiguity and distortion in the allocation of judicial powers... Such an interpretation would suggest that the High Court's well-established jurisdiction over tortious claims could be curtailed, indeed ousted, merely because the parties are or were in an employment relationship."

Hon. Justice Adamu Jauro, JSC focused on the subject matter. He clarified that since defamation is not explicitly listed as a labor item in the Constitution, the National Industrial Court cannot claim it by default:

- "The main claim in this suit being defamation, does not fall within the subject matter jurisdiction of National Industrial Court under Section 254(C)(1) and is not a claim determinable by reference to any of the Acts or Laws... Consequently the National Industrial Court has no jurisdiction over the instant suit."

Hon. Justice Jummai Hannatu Sankey, JSC addressed the clash between a "liberal" and "restrictive" interpretation of the Constitution. She aligned with the view that while the National Industrial Court is powerful, it is not a "catch-all" forum for personal torts:

- "A liberal or expansive construction of Section 254C would yield ambiguity and distortion in the allocation of judicial powers, thereby muddling the carefully earmarked provinces of the superior Courts."

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Hon. Justice Obande Festus Ogbuinya, JSC noted that the Court's role was to "demystify the thorny questions" regarding where a citizen should seek redress. By concurring with the lead judgment, he reinforced the idea that:

- "Defamation is not automatically a 'labor matter' simply because it involves former colleagues or employers."

Hon. Justice Stephen Jonah Adah, JSC, in delivering the lead decision, clarified that the mere presence of an employment background does not strip the High Court of its power:

- "The High Court, as a court of general jurisdiction under Section 272(1) of the constitution, is the only proper venue to hear a claim involving both employees and non-employees... Since the employment contract had already ceased to exist at the time of the publications, the defamation claim stood as an independent cause of action."

In the lead judgment, the Court established that for the National Industrial Court to take over a defamation case, the defamation must be so inextricably linked to the employment dispute that it cannot be separated. In this case, because the employment had already ended via resignation before the defamatory statements were made to the parents; the link was broken. The Court held that:

- "The High Court of Lagos State, as a court of general jurisdiction under Section 272(1) of the Constitution, is the only proper venue to hear a claim involving both employees and non-employees... Defamation is not automatically a 'labor matter' simply because it involves former colleagues or employers."

He noted that the High Court is uniquely positioned to handle claims involving both employees and non-employees (such as Mrs. Elegbe's husband), who fall outside the National Industrial Court's specialized reach.

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Conclusion:

The Court affirmed that the National Industrial Court does not assume jurisdiction over a defamation claim merely because it arises within an employment context. Jurisdiction depends on substance:

1. Where the defamation claim is inextricably linked to and requires interpretation of the employment contract, the NIC has jurisdiction.
2. Where it can be determined independently of the contract, jurisdiction lies with the High Court.
3. And where a substantive employment claim is already properly before the NIC, an ancillary defamation claim may be entertained

This judgment provides essential guidance for employers and legal practitioners, establishing that defamation is not automatically a "labor matter" simply because it involves former colleagues or employers. Unless the defamation is an inseparable part of a larger industrial or labor grievance, the State High Court remains the proper venue for such litigation.