

**IN THE NATIONAL INDUSTRIAL COURT OF NIGERIA
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS**

BEFORE HIS LORDSHIP, HON. JUSTICE IKECHI GERALD NWENEKA

Date: Thursday, 15th May 2025

SUIT NO. NICN/LA/348/2021

BETWEEN

MR. OBIORA VICTOR EMEKA

...

CLAIMANT

AND

**1. JAYA CONFECTIONERIES LTD]
2. Q. MED DIAGNOSTIC SERVICES LTD]**

...

DEFENDANTS

JUDGMENT

1. The Claimant commenced this suit on 17th September 2021. By his amended complaint filed on 9th December 2021, the Claimant claimed against the Defendants jointly, severally or in the alternative for:
 - a. A declaration that the 1st Defendant's subjection of the Claimant to a compulsory food handlers/HIV test as a condition for resuming work with the Defendant is in violation of –
 - i. Section 37 of the Constitution of the Federal Republic of Nigeria 1999 [as amended] and /or Article 12 of the Universal Declaration of Human Rights of 1948; and/or
 - ii. Sections 1[f], 8[1] and 9[1] of the HIV and AIDS [Anti-Discrimination] Act, 2014; and therefore, unconstitutional and unlawful.
 - b. A declaration that the 1st Defendant's oral revocation of the offer of employment made to the Claimant on the basis of his real or perceived HIV status is in violation of:
 - i. Section 42 of the Constitution of the Federal Republic of Nigeria 1999 [as amended]; and/or

