



THE HIGH COURT

JUDICIAL REVIEW

2026 No. 241 JR

[2026] IEHC 501

BETWEEN:

DAMIEN QUINN

APPLICANT

AND

GALWAY RURAL DEVELOPMENT CLG

RESPONDENT

JUDGMENT of Ms. Justice Mary Rose Gearty delivered on 21st July, 2026.

A. Introduction

1. The Applicant seeks leave to apply for judicial review of a decision of the Respondent, his employer. He claims that the Respondent's handling of an employment dispute was unfair, and he challenges the resulting report. He also seeks declarations and prohibition orders in respect of that report, and orders removing the personnel involved. The Applicant characterises measures taken by the Respondent, after the delivery of the report, as penalties imposed on him as a consequence of protected disclosures. He seeks orders restoring his position and appointing an independent manager within the Respondent body.
2. The Applicant was successful in his initial complaint. The impugned report records a decision in his favour, yet he challenges it, nonetheless. He states that he is taking the case on behalf of the losing party, arguing that the whole process was unfair and, thus, he is entitled to orders declaring the process void.
3. The Applicant is also pursuing a complaint before the Workplace Relations Commission and seeks relief in the Circuit Court arising from the same issues.

4. The Applicant characterises the dispute as a public law matter, primarily on the following grounds: the Respondent delivers a publicly funded community programme; the Applicant's role is publicly funded; the programme operates within a framework of public oversight; and the decisions he includes in his challenge were addressed at board level in the Respondent body.
5. The matters challenged in the statement of grounds include: the handling of the investigation into the Applicant's original complaint; the management of this complaint and the report which issued in his favour; subsequent grievances; reporting arrangements; his exclusion from aspects of his role; and related interim measures taken in the context of the same contractual employment relationship. The pleadings raise the preliminary issue as to whether the case is amenable to judicial review or is a private employment dispute dressed up as a public law issue in respect of which judicial review does not lie.
6. This Court is satisfied that the application for leave must be refused on three separate bases: firstly, and dispositively, the Applicant raises issues of private law, to be resolved at the relevant fora, namely, the Workplace Relations Commission or the Labour Court and the Protected Disclosures Commissioner.
7. Secondly, even if public law remedies were appropriate, the Applicant has not exhausted his alternative remedies. On the contrary, he has ongoing cases before the statutory, and more appropriate, bodies. The Workplace Relations Commission [WRC] (and the Labour Court) and the Protected Disclosures Commissioner [PDC] (and the Circuit Court) are considering his complaints. Email correspondence confirms that the case has a reference number from the WRC, and the Applicant, in the last submissions filed with this Court, states that this complaint is before the WRC and that the Circuit Court is seized of the protected disclosures claims and is considering interim relief. These are the bodies entrusted with resolving the issues raised and this Court cannot usurp their statutory functions by stepping in and reviewing the same complaints.
8. Thirdly, the initial decision was in the Applicant's favour. The Applicant was successful, in that the report upheld his complaint, although it also contained an observation adverse to him concerning his emotional intelligence. The Court does not consider any comment on that observation as necessary to the resolution of the present application and expresses no view as to its accuracy or appropriateness. Insofar as the challenge relates to the initial report, and the later grievances all appear to stem from that report, the resources of the courts should not be deployed in investigating and considering applications made by the winning party where there is no prejudice to him as a result of the impugned decision and when he does not stand to benefit from that court intervention. Insofar as any prejudice may be said to arise subsequent to the report, that is a matter for the PDC's regime, as established by statute.

9. Insofar as the Court could grant any remedy in judicial review, at most it could remit the matter to the decision maker for reconsideration in accordance with fair procedures. This is inappropriate here, underlining the Court's finding that this is not a case that is suitable for the process-driven, paper-based exercise that is a judicial review action. These claims are suitable for the usual private law remedies, where witnesses may be heard as necessary. The Applicant has a right to fair procedures before the relevant bodies, including rights of appeal or review should the WRC or the PDC breach any fundamental rules of fairness in processing their decisions in due course. These bodies are fulfilling a public function in the very act of considering his complaints which highlights the distinction made in this judgment; they are public bodies fulfilling their public role as decision makers in considering these issues and the proposed Respondent has a contractual relationship with this Applicant and is not fulfilling any public role in the context of the grievances raised.

B. Factual Background and Pleadings

10. In brief summary and without comment on the facts as set out in the pleadings, a colleague of the Applicant's raised an issue with him about a post by a third party on a social media account. The Applicant did not agree that this was relevant to his work and made a complaint about her. His subsequent allegations of bullying were eventually resolved in the Applicant's favour. An internal investigation took place, and a consultant was appointed who found that the complainant, this Applicant, was correct in a report that issued on the 14th of January 2026. He argues that because the internal investigator was not independent and because of what he describes as *fraudulent misrepresentation*, the findings must be quashed as the process is void *ab initio*, that is, void from the outset of the process, and that the findings are a nullity in law. The core points made is that the investigator, who was described as having been retained by the Respondent, was not independent. He further argues that the CEO interfered with the investigation and with findings in the report. He points to one finding—which refers to his emotional intelligence—as being irrational and relies on alleged failures to hear his version of events and inequality of treatment in that his colleague was given material that he did not receive.
11. The Applicant does not disagree with the findings set out in the report on the merits but submits that he cannot allow the report to stand. He claims that the process was unlawful and that the findings against his colleague also arise from what he contends was an invalid process and this colleague "*would have a mark on her record that was determined through an impugned process*". He claims that he is protecting the career of the person who tried to destroy his own through

“professionally damaging commentary, bullying, harassment and making false statements” about him and the safety risk he posed to her.

12. The CEO of the Respondent body is characterised as having *“orchestrated the investigation through fraudulent misrepresentation of the investigator’s independence and who sought guidance from the investigator to control the process”*. The Applicant submits that from a comment inserted into the report after contemporaneous correspondence, one can deduce that the CEO was controlling the process. The Applicant claims that reputational findings in the report emanated from his colleague and the CEO and concludes that these examples help demonstrate the *“structural conflict and lack of independence which violated the entire process”*.
13. The Applicant also draws the Court’s attention to allegations that his colleague was afraid of him and referred to his *“alleged violent background”*, which are serious matters and, he contends, these should have been investigated, put to him for a response and addressed in the report. Instead, notwithstanding that the report upheld his allegation of bullying against his colleague, the only adverse remark about him was that he *“lacked the emotional intelligence to take her feelings into account”*, which finding he considers to be irrational.
14. The Applicant has a further complaint that the report was not static and that the report was revised after he challenged a finding of intent. This refers to a finding that his colleague did not intend to cause him concern. He challenged this finding, and the report was revised. The intent finding was removed, leaving no reference to this more benign interpretation of her intentions.
15. Having noted the core claim, that the investigator was biased, it is said that the CEO’s depiction of her as independent amounted to *“fraudulent misrepresentation”* as she had worked with the Respondent before and there was contact between the CEO and the investigator, which correspondence is exhibited. This connection was in the human resources work of the Respondent body and the Applicant refers to this in his pleadings as *“HR Connections”*.
16. The Applicant states that he is not seeking to relitigate the impugned workplace process or the underlying complaint. This statement can quickly be corrected at this point: he seeks that the Court *“nullify the entire edifice”* on the basis that the process that followed his complaint into workplace bullying and harassment was void *ab initio* and lacked independence and fair procedures. This is an application with a primary objective: that the entire process be quashed. If there is no further investigation, then the *status quo ante* is restored and there has been no investigation into his complaint. This action can only amount to a request to relitigate the complaint, the process and its aftermath. Otherwise, the action is an exercise in futility.
17. The application was made within time and the statement of grounds sets out the reliefs sought as follows:

- (i) *certiorari* - quash the investigation of HR Connections;
- (ii) declaration - investigation declared void *ab initio*;
- (iii) prohibition - from reliance on process or subsequent reports and findings;
- (iv) *mandamus* - restoration of work access and removal of managers involved.

18. The grounds upon which relief is sought are also set out and read as follows:

- (i) Illegality - lack of investigator independence;
- (ii) Irrationality - predetermined outcome;
- (iii) Procedural unfairness - breach of natural justice;
- (iv) Breach of duty - illegality / abuse of power / breach of fair procedures;
- (v) Fraudulent misrepresentations;
- (vi) Breach of constitutional rights;
- (vii) Penalisation for protected disclosures;
- (viii) Fabrication of the investigation basis and fraudulent concealment.

19. The Applicant submitted a separate document entitled "Statement of Grounds" in which he claims that the Respondent has "*violated 79 rights across 21 legal categories*". He details these under headings in the sequence set out above, from (i) to (viii). In this document and in the grounding affidavit, he describes the process by which the report was commissioned and compiled and confirms that he has made two sets of disclosures. The first, made on 27th January 2026, he describes as internal protected disclosures and the second, made on 30th January, he describes as external protected disclosures to various bodies including the Data Protection Commission and Standards in Public Office Commission [SIPO]. He followed this up on 9th February with a disclosure to the Department of Rural and Community Development and the Gaeltacht.

20. On the 10th of February 2026, the Respondent locked the Applicant out of his work email account. He was asked to desist from sending confidential material to third parties and from attending at the office while on sick leave. A letter from the solicitors for the Respondent, dated 29th January 2025, sets out the background against which these decisions were taken: the Applicant is said to have written hundreds of emails over a short period of time, using his work email address, and while on sick leave. One example is given: in a 24-hour period, 17 emails issued from his address. In the letter, the point is made that the Applicant is on certified sick leave, refusing to attend an occupational health assessment, and is attending at the Respondent's premises out of hours and without prior notification, at one stage setting off a fire alarm. This Court makes no comment or finding in this regard, it merely notes the contents of the letter.

21. The concluding paragraphs note the Respondent's willingness to engage in mediation. The Applicant criticises the Respondent for finding time to write or

authorise this letter and yet having failed to formally acknowledge receipt of his disclosures. He describes the letter as threatening. Again, the Court makes no comment in this regard as these are matters for the relevant body, the PDC.

22. Five ring-binder folders of material, including multiple affidavits and numerous exhibits, were filed and lodged in this case. Each exhibit is preceded by a page containing a description of the exhibit which amounts to a submission, rather than allowing the Court to examine and evaluate the exhibits in the normal way. There are separate submissions, including an opening submission and a concluding submission, after the Court raised the point that this appeared to be a private law dispute. When asked to exhibit his contract of employment, the Applicant took the opportunity to file and lodge a further folder of material, including internet search results, which contains criticisms of individuals, including members of the board of the Respondent, together with various exhibits including material obtained from searches of the Companies Registration Office.

C. Licence and Copyright in the Pleadings

23. It is necessary to mention one other feature of the pleadings. At the start of his submissions, the Applicant sets out the following passages:

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This Document and all strategic works, submissions, analyses, and frameworks contained herein are protected under the copyright and related rights Act 2000 Ireland. The author asserts all moral and economic rights.

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Restrictions - No commercial use, public distribution, derivative works, or further licensing without explicit written consent from the copyright holder.

Status - Confidential and Proprietary.”

24. Thereafter, the Applicant makes similar statements about the commercial use, public distribution or unauthorised sharing of this material without explicit written consent and refers to copyright and licensing arrangements throughout his pleadings. There was no submission made, nor sought by the Court, in respect of these claims. There is no reporting restriction which applies to these proceedings, nor is there a system whereby use of records may be restricted in this context, save by order of the Court. No such order was sought. The inclusion of such notices does not entitle a party unilaterally to prescribe the terms upon which the Court may receive, consider or refer to material that the party has chosen to place before it in support of an application for relief.

25. Section 65 of the Court Officers Act 1926 provides that all proofs and other documents or papers lodged in or handed into a court in relation to, or in the course of, the hearing of any matter are to be held by or at the order and disposal of the judge, or the senior of the judges, by or before whom the matter is heard. Whatever rights may otherwise subsist in the original expression contained in a document, a party cannot, by attaching a unilateral licence or confidentiality notice to papers filed in proceedings, control the Court's custody of those papers or prevent the Court from referring to material properly before it when giving reasons for its decision.
26. Article 34.1 of the Irish Constitution requires justice to be administered in public, save in such special and limited cases as may be prescribed by law. The constitutional importance of openness in the administration of justice was reaffirmed by the Supreme Court in *Zalewski v. The Workplace Relations Commission* [2021] IESC 24, [2022] 1 I.R. 421.
27. It is unnecessary to determine the extent to which copyright may subsist in any original material contained in the Applicant's papers. The filing or use of such material in legal proceedings does not, without more, permit a party unilaterally to control the Court's use of material properly before it or to impose restrictions on the publication of the Court's judgment. No application was made for an order restricting access to, use of or reporting on the material. Subject to any legal requirement to the contrary, this judgment is delivered as part of the public administration of justice.

D. Leave to Apply and Amenability to Review

28. The legal test governing an application for leave to apply for judicial review was set out by the Supreme Court in *G. v. Director of Public Prosecutions* [1994] 1 I.R. 374. An applicant must establish that the facts as set out in his affidavit would be sufficient, if proven, to support a stateable ground for the relief he seeks. O'Donnell C.J. confirms that: "*It must be a case that has a prospect of success (otherwise it would not be an arguable case) but does not require more than that*": paragraph 39 in *O'Doherty v. Minister for Health* [2022] IESC 32, [2023] 2 I.R. 488.
29. The primary issue arising in this application is whether or not the issues raised by the Applicant are public law issues for which judicial review is the appropriate remedy. This is the first question to be addressed as, if the issues are not matters of public law, the Court must refuse leave as the impugned decisions or acts are not amenable to judicial review.
30. The authorities do not disclose readily identifiable boundaries and clear rules, nor do they prescribe a checklist. The question of amenability depends not only on the facts of each case, but on the essential nature or legal character of the

impugned decision or act itself. Much depends upon the context in which the decision was made, the source and nature of the power exercised, and the legal and practical consequences of the decision or act. The relevant principles are discussed in chapter 31 of *Delany and McGrath on Civil Procedure*, 5th ed. (2023). The same issue arose recently in *Orimolusi v. The Provost, Fellows and Scholars of the University of Dublin, Trinity College Dublin* [2026] IEHC 385. There, Barry O'Donnell J. provided a comprehensive review of the authorities, including *Beirne v. Commissioner of An Garda Síochána*, [1993] ILRM 1, both of which cases are discussed further, below.

31. The primary question is whether the impugned decision possesses sufficient public-law characteristics as to attract the supervisory jurisdiction of the High Court. A useful starting point is to ask: what function was being performed by the relevant body when considering the decision? This should clarify the legal character of the power being exercised. It is possible, and indeed likely, that a body may be amenable to judicial review in exercising some functions, but not others. A respondent may perform functions properly viewed as public law in character, while also making decisions in a private law capacity as an employer. It is the character of the decisions, rather than the respondent's institutional status which will often determine the ultimate question as to whether the jurisdiction of this Court is engaged. Charleton J., in *Shatter v. Guerin* [2021] 2 I.R. 415 made the distinction plain, saying:

"The State can, after all, behave as a private individual."

32. This consideration of the function being performed when a particular decision is made should not be conflated with the setting in which the decision is made. The fact that an employer performs a public function does not lead to the conclusion that all its decisions or acts have a public-law character. A public, or publicly funded, body may have a board which must occasionally act *qua* employer. The fact that a decision is considered at board level may reflect its importance, but it does not alter the legal character of the decision unless the board was exercising a power or function in the public domain.
33. A second and related consideration is the source and nature of the power being exercised. In the Supreme Court decision of *Beirne*, Finlay C.J. (at page 2) points to the source of the power being exercised as an indication as to whether the decision is one which truly belongs in the public domain:

"Where the duty being carried out by a decision-making authority ... is of a nature which might ordinarily be seen as coming within the public domain, that decision can only be excluded from the reach of the jurisdiction in judicial review if it can be shown that it solely and exclusively derived from an individual contract made in private law."

34. Finlay C.J. held that the trainee applicant (who had yet to become a probationer garda) had established his right to relief in judicial review. Mr. Beirne was dismissed by the respondent after an allegation of misconduct involving events which occurred on a bus, while returning from training. Finlay C.J. considered the circumstances in which judicial review lies, noting (at pages 2 – 3):

“The principle which, in general, excludes from the ambit of judicial review decisions made in the realm of private law by persons or tribunals whose authority derives from contract is, I am quite satisfied, confined to cases or instances where the duty being performed by the decision-making authority is manifestly a private duty and where his right to make it derives solely from contract or solely from consent or the agreement of the parties affected.”

35. The Commissioner’s power to terminate the applicant’s training assignment was expressly recorded in the applicant’s conditions of service. Finlay C.J. nevertheless held that the contractual provision was not the sole, or even main source of the power. The Commissioner’s functions concerning admission, training and discipline were regulated by statute and statutory instrument and were matters of “*particular and immediate public concern*”. Finlay C.J. concluded that the contract between the parties, consisting of conditions of service, could not be the sole source of the respondent’s power to terminate the trainee’s assignment saying (at page 13):

“I have no doubt that whilst the power of the commissioner to terminate the training of a trainee by reason of his misconduct is stated to be one of the conditions of the employment ... it is not a jurisdiction which is solely or purely or even mainly derived from contract, but is a clear jurisdiction necessarily vested in the commissioner by reason of the office which he holds and the statutory powers which are attached to it.”

36. In *Orimolusi*, O’Donnell J. found, with some reluctance, that the decisions of the respondent university were amenable to judicial review. This conclusion was based, in very large part, on the relationship between the university’s fitness to practise process and the role of a public regulatory body which determines the same issue in respect of qualified pharmacists. The respondent’s fitness-to-practise process was closely connected to a statutory certification process affecting entry into a highly regulated profession. While the question of the applicant’s fitness to practise as a pharmacist was not (yet) in question, there was a relationship, therefore, between the process for qualified pharmacists and the respondent’s process in respect of students. The latter decision was a public facing decision due to the link between a student’s fitness to practise and the regulation of pharmacists, the purpose of which regulation is to protect public health. The *Orimolusi* case involved more than one accepted instance of plagiarism and this relationship between the respondent’s monitoring of the

ethical conduct of the student, with a view to certifying him as suitable to practise as a pharmacist in due course, and the disciplinary nature of the respondent's process in that context, were significant factors in the decision.

37. O'Donnell J. concluded that "*the function performed by the University bodies cannot be described, to adopt the language of Finlay C.J. in Beirne, manifestly private or deriving solely from contract.*" Although the respondent university's procedures appeared to derive from internal documents rather than any statutory source, their connection with statutory professional regulation supplied a sufficient public element to persuade the Court that the decision to withdraw the student from the Master of Pharmacy (M.Pharm) programme was amenable to review.
38. In respect of later disclosures made by this Applicant, the Supreme Court in *Baranya v Rosderra Irish Meats Group Limited* [2021] IESC 77, discussed the scope and application of the protected disclosures legislation and the role of the WRC and the Labour Court in that regard. The case concerned an appeal to the High Court from a Labour Court decision. Hogan J. concludes, at paragraph 36, that "*...it is clear that purely personal complaints in relation to the issues of workplace health or safety can in fact be regarded as coming within the rubric of protected disclosures for the purposes of s.5(2) and s. 5(3) of the 2014 Act.*" This language confirms that in the PDC regime there is a distinction between a personal grievance and a complaint regarding an alleged offence, for instance.

E. The Character of the Decision and the Source of the Power

39. Applying these principles to the instant case, one is immediately struck by the contractual nature of the relationship and the lack of any public source for the powers exercised. The Applicant contends that the Respondent is a local development company through which a publicly funded programme is delivered, within a publicly supervised framework. He further contends that the impugned decisions were ratified at board level in the discharge of governance functions within that framework.
40. The Social Inclusion Community Activation Programme is co-funded by the State and the European Social Fund Plus and administered through Pobal (a state-sponsored body charged with the administration of government and EU funding to promote, *inter alia*, local community development). The Respondent is one of a number of companies through which the programme is delivered at local level. The Applicant further points to the role of the Galway County Local Community Development Committee, which is said to approve work plans and to receive ongoing reports on performance and compliance. The Applicant accordingly submits that decisions affecting the delivery of the programme,

and the staff engaged in that delivery, should be understood as being aspects of a delegated public-function framework.

41. The Applicant emphasises the nature of his own role, which was the delivery of a publicly funded programme to identified target groups, with measurable progression outcomes and public reporting obligations. He relies on the fact that the impugned decisions were considered by the Respondent's board. He points to a meeting held on 15th December 2025, at which the only agenda item was a human resources item namely, his grievance. The Applicant characterises decisions taken at the meeting as governance decisions concerning the grievance process generally, rather than routine managerial acts.
42. The Applicant was employed by the Respondent under a fixed-term contract. The role is funded by a publicly funded community programme and he is described in the papers as "*Youth and Employability Officer / Assistant Team Leader.*" He signed a written contract of employment and received an employee handbook. A suite of internal procedures is set out in the handbook including disciplinary, grievance, appeal and anti-bullying/harassment procedures. The contract was provided to the Court on its request.
43. The sole source of the Respondent's power or jurisdiction to investigate the complaint, or indeed to impose conditions on or to dismiss the Applicant, arises from the contract between them, which is not confined to conditions of service nor is it supplemented, or vested in the Respondent by any statutory powers. While consideration of the scope of the public law remedy does not look exclusively to the formal source of a power, this is clearly a significant factor.
44. Turning to the nature of the function being exercised: the dispute began as a disagreement between work colleagues about incidents which the Applicant argued, successfully, were beyond his control. The disagreement escalated to a point where the employer took action to resolve the matter between two colleagues. The grievance procedure was deployed, a report was obtained, and the Applicant was successful. He complained about the independence of the investigation and that is the genesis of this application for judicial review.
45. Thereafter, the dispute developed to a point where the Applicant complained of penalisation due to disclosures made, both internally and to external bodies. Even if his complaints may be characterised as protected disclosures, this alone does not create a public law dispute but may be confined to the workplace.
46. The other factor which merits consideration is the overall context of the decisions, including the presence or absence of a public element and the place occupied by the decision-maker within the relevant framework of public administration. On that analysis, the contention that the Respondent may be subject to judicial review has some force but only in certain contexts. Employment disputes do not sit comfortably in this public law category.

47. It is helpful to contrast this Applicant's position with that of the applicant in *Orimolusi*. There, the student was undertaking a course of studies and was required to pass the university's fitness to practise regime. This has a close connection with the regulation of pharmacists, which profession he sought to enter. Here, while the Applicant deals with members of the public in the course of his work, this is only in the sense that most employees do in the administration of community projects, just as they do in retail or sales roles, for instance. This factor is not sufficient to characterise decisions about his role as public-facing. There is no such element involved in this dispute, which remains a bullying complaint about a colleague and the employer's response to that complaint and to subsequent disclosures. These matters have no relevant connection with regulation of a sector, as in *Ormolusi*, nor is the Applicant's role comparable to that carried out by members of An Garda Síochána in terms of their public duties and statutory responsibilities.
48. Returning to the main issue, the pertinent question must be: What function was the Respondent exercising when the impugned report was issued and its aftermath addressed? The Respondent may operate within a publicly funded and supervised framework and yet, in a particular instance, it may be acting in a capacity governed by private law rather than public law. Both the status of the decision-maker and the legal character of the decision are relevant.
49. Insofar as the challenge concerns the investigation and report, the relevant decisions relate to the handling of a grievance between two employees. They arose directly from the employer–employee relationship and were taken under the contractual and workplace procedures governing that relationship. The decisions involved the management of an internal employment dispute rather than the exercise of a statutory power affecting the public or determining any entitlement to public funding. There is no evidence of a statutory provision which confers on the Respondent the particular power to investigate or determine the grievance. Those decisions bear the characteristics of acts arising from a private contractual relationship, notwithstanding the Respondent's performance of public, or publicly funded, functions in other contexts.
50. The Applicant seeks to overcome that difficulty by stressing the public setting in which the events occurred, including the board-level governance role of the Respondent. This public context does not determine legal character, however. To paraphrase Charleton J. in *Shatter*, the Respondent is behaving as a private individual in the management of employment issues. The fact that the Respondent participates in the delivery of a publicly funded programme does not convert internal employment decisions into public law acts.
51. Therefore, even if the Respondent is amenable to judicial review when exercising certain functions, the live dispute here and the decisions challenged

are typical of internal employment procedural decisions, arising in the context of workplace grievances. Put otherwise, while the Applicant may be correct to say that the Respondent operates within a delegated public framework, it does not follow that every exercise of authority by the Respondent, or its board, is thereby transformed into the exercise of public law power. A decision taken or ratified by the board of a body carrying out publicly funded work is not, by reason of board involvement alone, necessarily a public law decision.

52. The relief sought here is dressed in the conventional language of judicial review, namely declarations, *certiorari*, prohibition and *mandamus*. In substance, however, the relief is directed towards restoring the employment relationship albeit with changes to the reporting structure; quashing, or preventing continued reliance upon, findings said to derive from an unfair process; prohibiting continuation of that process; setting aside decisions of the Respondent's board and restoring the Applicant's standing within the body. The reliefs include replacing members of the Respondent's management team, which issue is addressed further at paragraph 73, below. All are matters peculiar to the employment relationship, with no public-facing element.
53. The employment relationship requires fair procedures in many contexts, but the obligation to be fair is not necessarily enforceable by way of judicial review. The procedural standards of public law do not even arise for consideration if the decision is not amenable to judicial review. This is the logically anterior question. Once answered, the case does not proceed further. This does not mean that there is no remedy; clearly there are remedies in private law. Nor does such a decision mean that no substantive or important issue has been raised, just that it must be dealt with in another forum. This is illustrated by the *Beirne* case itself in which O'Flaherty J., dissenting, held that the applicant was not entitled to a remedy in judicial review, even though the process used in his case had been unfair, as the decision was not a public law decision and was not amenable to the public law remedy of judicial review.
54. The Applicant submits that the proceedings should not be reduced to a bilateral workplace dispute. Rather, it is said that the impugned decisions concern the integrity of the governance structures through which a publicly funded programme is delivered. He claims that the complaint is not confined to personal dissatisfaction with workplace outcomes. It is said to go to the legality of a process represented as independent, the alleged want of objective impartiality, the existence of structural conflict, and the validity of governance decisions taken within what is described as a delegated public-function setting. This is to overstate the nature of the dispute. In essence, this is an employment law matter. The fact that the Applicant later made allegations that he claims are protected disclosures cannot, without more, transform his dispute into a public

law issue. The issues the Applicant raises in terms of the Respondent's governance and board all appear to arise from, or were prompted by, the initial dispute. If such complaints had the effect for which he contends, ordinary internal employment decisions might all be treated as public-law decisions merely because the employer also performs some public or publicly funded functions and any employee could simply escalate the matter by making an allegation of criminal misconduct about an employer, for instance.

55. Again, this Court emphasises that it has taken no view on the matters raised by the purported disclosures. If the Court is incorrect in respect of this finding, that the disclosures do not bring this case into the realm of public law, the secondary finding, that the Applicant has not exhausted his remedies in that regard, confirms that he is not entitled to review on that ground.
56. The cases on which the Applicant relies include *Ridge v. Baldwin* [1964] AC 40. This raised materially different facts. The judgment is an authority on the application of the rules of natural justice to the exercise of a statutory power of dismissal. The appellant in that case held the office of Chief Constable of Brighton. He was not an ordinary employee or servant of the watch committee, nor did he hold office at pleasure. The committee's power of dismissal as against the appellant was statutory in character and was exercisable only on specified grounds, namely negligence in the discharge of duty or unfitness for office. The majority of the House of Lords held that, before the statutory power of dismissal could lawfully be exercised, the appellant was entitled to be informed of the substance of the allegations against him and to be afforded an opportunity to answer them. The failure to observe those requirements rendered the purported dismissal invalid.
57. *Ridge* does not resolve the anterior question which arises here, as to whether the acts sought to be impugned are amenable to judicial review at all. The Applicant's argument elides two distinct questions: first, whether fair procedures were required; and secondly, whether any alleged breach of such procedures is justiciable by way of judicial review. It is only the second question which is decisive for present purposes.
58. The Applicant also cites *Furnell v. Whangarei High Schools Board* [1973] AC 660. This case was decided by the Privy Council and is authority for a proposition contrary to that stated by the Applicant. *Furnell* concerned a teacher who was suspended from duty pending the determination of disciplinary charges under a detailed statutory procedure. By a 3:2 majority, the Privy Council held that the teacher was *not* entitled to be heard either by the preliminary investigating subcommittee or by the school board before the suspension was imposed.
59. *Furnell* was cited by the Supreme Court in Ireland in the case of *Deegan, Gavin and Lynch v. The Minister for Finance* [2000] 11 E.L.R. 190. There, the Court held

that, in respect of suspension of a person from their employment for a specified period for misconduct, the rules of natural justice *prima facie* apply but not necessarily to a precautionary suspension imposed pending an inquiry.

60. Therefore, the case on which the Applicant relies upon to ensure that he is heard before he is suspended or dismissed, appears to set out a principle in direct opposition to that which for which he contends, at least insofar as a precautionary suspension is concerned. Natural justice does not always require that a person be heard before an adverse decision is made against him. More fundamentally, *Furnell* addresses fair procedures issues and does not assist the Applicant in establishing that the investigation and report challenged here involved the exercise of a public-law power amenable to judicial review.
61. The decision that this is a private law dispute is sufficient to dispose of the application. The Applicant submits that judicial review remains necessary notwithstanding the availability of remedies in the WRC and the PDC. This error is so often repeated that I will address the issue, however briefly.

F. Alternative Remedies

62. The requirement that alternative remedies must be exhausted has been reviewed comprehensively, authoritatively, and very recently, by the Supreme Court in *Amariei v. The Chief Appeals Officer & Ors* [2026] IESC 22. Ms. Justice Donnelly delivered the majority decision, placing a strong emphasis on the importance of this principle in supporting the rule of law.
63. As Donnelly J. points out, good administrative practice makes provision for an appellate procedure. Depending on the issue, this can include internal administrative appeal processes or an appeal to an appellate body. Appellate bodies, while not necessarily administering justice, may be quasi-judicial bodies with a requirement to act judicially. Some appellate structures, and the WRC was identified as one example, are involved in the administration of justice. The WRC was described as a statutory body which is subject to judicial review although it may be dealing with private law disputes. Here, the Applicant attempts to move straight to the High Court in respect of his dispute, rather than awaiting an adjudication by the appropriate statutory body.
64. The Supreme Court reaffirmed, at paragraph 4: "*It is well-established and was not contested, nor could it have been contested, that where there is an adequate remedy by way of an alternative appeal then recourse to judicial review may be disallowed.*" Donnelly J. also reaffirmed that the default position is that an available statutory appeal or review must be pursued rather than judicial review proceedings and she set out the rationale for this principle at paragraph 105. The existence of an appeal process does not remove the High Court's judicial review jurisdiction and is not an absolute bar to an application for leave.

However, the Court should exercise its discretion against granting leave or relief, subject to established exceptions (these principles are set out in more detail at paragraphs 72-76, and at paragraph 102 of *Amariei*). In short, the rule of law dictates that if the legislature has created a reasonable, alternative, process, tailored to the type of dispute in question and capable of resolving the issues raised, scarce court resources should not be wasted hearing disputes that, for legal and practical reasons, are best resolved elsewhere.

65. Insofar as this application concerns the report of 14th January 2026, issues arising from that report should be determined by the WRC as the appropriate body to resolve any related complaint. Insofar as the events following the delivery of that report may constitute protected disclosures, the Applicant has an appropriate alternative remedy. He has already deployed both alternatives.
66. The Applicant argues that he has been prevented, by the Respondent, from applying to the WRC. This refers to an exchange which it is helpful to set out here. On the 4th of February, the Applicant received a letter from the solicitors for the Respondent employer advising him that the Respondent objected to an adjudicator hearing his complaint under section 13(3)(b)(ii) of the Industrial Relations Act 1969. The relevant parts of section 13 read as follows:
- “13. (2) *Subject to the provisions of this section, where a trade dispute (other than a dispute connected with rates of pay of, hours or times of work of, or annual holidays of, a body of workers) exists or is apprehended and involves workers within the meaning of Part VI of the Principal Act, a party to the dispute may refer it to a rights commissioner.*
- (3) (a) *Subject to the provisions of this section, a rights commissioner shall investigate any trade dispute referred to him under subsection (2) of this section and shall, unless before doing so the dispute is settled—*
- (i) make a recommendation to the parties to the dispute setting forth his opinion on the merits of the dispute, and*
- (ii) notify the Court of the recommendation.*
- (b) *A rights commissioner shall not investigate a trade dispute—*
- (i) if the Court has made a recommendation in relation to the dispute, or*
- (ii) if a party to the dispute notifies the commissioner in writing that he objects to the dispute being investigated by a rights commissioner.”*
67. The effect of this provision, as amended, is that an employer may object to certain trade disputes being referred to the WRC. The section does not prevent other claims being taken to vindicate specific statutory rights, nor does it give the employer an effective veto on all employment cases. Further, and notwithstanding an objection under section 13 of the 1969 Act, the Applicant has pursued one or more remedies under the relevant legislation: he has an ongoing case before the WRC, details of which were not put before the Court.

68. The Respondent describes the steps it took post-report as warranted by certain communications that the Applicant describes as protected disclosures. It is not appropriate for this Court to express any view on these allegations as there is a specific statutory regime for the processing and determination of such claims under the Protected Disclosures Act 2014, as amended, including the remedy of interim relief from the Circuit Court in respect of instances of alleged penalisation. That statutory process has begun, and those proceedings, initiated by the Applicant, concern the same alleged acts of penalisation. Those proceedings are capable of determining whether the Applicant was subjected to unlawful penalisation and of granting the relief provided by the governing legislation. Those proceedings, therefore, constitute an appropriate alternative remedy which has not yet been exhausted. The Applicant bears the onus of establishing arguable grounds that his alternative remedies are inadequate or that the exigencies of justice require judicial review. Even if the decisions were amenable to judicial review, and they are not, he has not discharged that onus.
69. The Applicant submits that the WRC and the PDC cannot grant *certiorari*. One cannot conclude that an otherwise effective remedy is inadequate merely because the forum in question is not empowered to quash the relevant order or decision. Equally, the mere existence of an appeal or complaint process does not, without more, necessarily establish adequacy. Here, the regimes in question, namely the statutory processes available under the WRC and the PDC, offer a complete suite of remedies for the Applicant, should he be entirely successful before either or both bodies. The effect of the remedies available in either or both fora is sufficient to protect his interests and to vindicate his rights.
70. The WRC and the PDC respectively are the bodies entrusted with adjudicating on such disputes in the workplace (at least, those in which they enjoy jurisdiction to do so, such as this one) and both are bodies with specialist expertise. Both bodies may hear from witnesses, make findings of fact and issue determinations or rulings. Their rulings may be enforced by the courts.
71. Having relied on the Respondent's objection to an adjudication of this dispute, as set out above, in documents filed in February and March, the Applicant confirms at paragraph 8.1 of supplementary submissions dated 19th April 2026 that he is "pursuing statutory remedies elsewhere", including in the WRC, the Circuit Court and the PDC. He seeks to minimise the remit of those bodies and characterises these proceedings as addressing a "*distinct and foundational issue - the legality and validity of the impugned governance decisions*".
72. The available statutory processes exist to examine the legality of employment decisions (the WRC) or protected disclosure issues (the PDC) respectively. That is their *raison d'être*. This Applicant refers to the "*supervisory public-law remedies*" he seeks, in order to "*nullify a void process.*" Not only is this not a public law

dispute, but better processes and remedies than those he seeks are offered by the legislative bodies set up specifically for these purposes. There, full witness hearings may be held and all the effective remedies he seeks in these proceedings are available to him, if he is successful.

73. Lest there be any confusion or later complaint in this regard: some of the specific and interim remedies sought in this case, namely, that his managers be removed in order to maintain the *status quo*, that the Court direct the appointment of a new, independent manager, and that the Court replace the Respondent's board are fanciful. Not only are they remedies that the WRC or the PDC cannot impose on the Respondent, but there is no authority to support the proposition that this Court can grant such sweeping orders, dismissing or replacing staff, either on an interim or on a permanent basis as a result of a dispute of this nature. In general terms, a decision can be quashed and remitted for a new decision, a process can be declared unfair or a decision maker can be required to act in a certain way. To be clear, neither the WRC nor the judicial review process includes the general remedy of replacing one's boss, effectively.
74. For completeness, this Court has not addressed the merits of the Applicant's complaints in respect of bias or unfairness as they are matters for the WRC and the PDC respectively. The present insuperable obstacles for this Court are that the Applicant seeks to translate an internal workplace controversy into a challenge in public law and, although that finding is sufficient to dispose of the case, the application would inevitably have been refused on the basis that he has also deployed, but has not exhausted, the appropriate statutory remedies.

G. Winners' Appeals

75. As noted, the decision that this dispute is not amenable to judicial review is dispositive of the case. The repeated error that the High Court is a supervisory court that is somehow preferable as a forum for dispute resolution has also been addressed although, in light of the decision on amenability, it does not arise. Finally, in respect of an issue that no longer arises because the case has been decided on the primary issue, it may be useful to note that the Applicant has been successful in his initial grievance and in the resulting report.
76. Insofar as it is necessary to comment, the High Court will not usually concern itself with an appeal by the winning side in any action. A successful party ordinarily requires some genuine practical interest in challenging the decision, such as actual or potential prejudice arising from an adverse finding; a challenge serving no practical purpose may be dismissed or relief may be refused. This is set out in detail by Simons J. in *Chubb European Group S.E. v. Financial Services and Pensions Ombudsman*, [2023] IEHC 74, and seems to apply equally to applications for leave to apply for judicial review.

77. Those who are wholly successful should not usually be permitted to use court resources in order to appeal the result. No benefit can enure to the applicant in most such cases and if, as here, the process was considered to be unsatisfactory, but the result was in the applicant's favour, it is usually unnecessarily wasteful to repeat the process, whether by way of *de novo* appeal or by a judicial review.
78. A useful comparator, by way of analogy, is that of the Supreme Court of the United Kingdom in the case of *R (on the application of KM) (by his mother and litigation friend JM) (FC) v. Cambridgeshire County Council* [2012] UKSC 23. This was an application for leave to judicially review a decision to award benefits of £85,000 to the applicant, who was profoundly disabled. Due to a concatenation of errors, he had believed he would receive more generous benefits.
79. Lord Wilson delivered the unanimous decision of the Court (Lady Hale also delivered a short judgment in respect of the calculation of benefits). Lord Wilson concluded that "*it would be a pointless exercise of discretion to order that [the determination] should be quashed so that the [claimant's] entitlement might be considered again, perhaps even to his disadvantage*". The applicant's appeal against the award was unsuccessful, therefore. While other factors arose, this aspect of remedial discretion in the case is instructive in considering this application. As the Supreme Court pointed out, the applicant might have received less than £85,000 if relief had been granted and the decision reconsidered.
80. This leads to the question: what is the practical utility of the relief sought in the current case? The Applicant does not seek the correction of the report. He seeks to have the investigation and report set aside in their entirety. There is no basis upon which the Court could do so without ordering a fresh investigation and no guarantee that a new report would reproduce the favourable findings already obtained by the Applicant. Nor would an order quashing the report resolve the distinct disputes concerning the alleged penalisation or other subsequent employment measures.

H. Conclusions

81. The Applicant is not entitled to leave to apply for judicial review of the internal investigation and report, nor of the subsequent grievances raised. All matters in dispute arise from the contractual employment relationship and do not involve the exercise of any public-law power amenable to judicial review.
82. Even if this were not the case, the Applicant has invoked the statutory remedies in respect of the dispute and has not exhausted those remedies.
83. Finally, in respect of the impugned report, this was decided in his favour, and this militates against granting relief in respect of that aspect of the case.
84. Leave to apply for judicial review is refused on all grounds.