

Mugni Islam-Choudhury

Call: 1996

"Mugni is just brilliant. He's very much committed to fighting the client's corner, even where there's weakness. He is very adept on his feet and both nimble and decisive when things don't go to plan."

Chambers UK 2024



Mugni Islam-Choudhury has over 25 years' experience as an employment law specialist, and is currently Head of the Employment group at No5 Chambers.

Mugni started his career in a London chambers in 1996, moving to in-house employment advocacy roles in Bevan Brittan and then Eversheds before joining No5 in 2012.

His practice involves niche sectors such as NHS, charities, schools and financial services, acting mainly for large institutional employers. He enjoys dealing with the most complex employment claims involving TUPE, equal pay, discrimination and multi-claimant litigation and also injunction work in the High Court. He appears regularly in the ET, EAT, High Court and has appeared in the Court of Appeal.

He is regularly instructed on confidential and sensitive whistleblowing, grievance and disciplinary investigations, usually involving investigation of executive directors of large employers. He is known particularly for his strong cross examination style but also putting client care at the forefront of his practice.

He was appointed Deputy District Judge in 2019 and sits as judge in the County Court on civil matters.

Expertise

Employment

Mugni is an experienced employment law specialist who has conducted employment-related hearings in the ET, EAT and civil courts for over 25 years. Mugni is a firm believer in client care and takes time to understand the needs of the client.

He is a specialist in complex and/or technical areas of law in employment litigation and has particular interest and expertise in dealing with high value claims or complex matters in the field of TUPE, discrimination, equal pay, interim relief, whistleblowing, interim relief and/or where there is a High Court connection (e.g. injunctive relief involving confidentiality breaches or in doctors' disciplinary hearings). He has appeared against or alongside leading employment silks.

Birmingham

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Notable Cases

Basra v University of East London (2023) (ET)

successfully defending the University in a claim for discrimination involving 75 specific allegations

Phelan v Jaguar Land Rover (2023) (ET)

acting in serious harassment related to sex claim, and successfully showing that the Claimant was not a credible witness

Woodward- Bennett v Cardiff & Vale NHS Trust (2023) ET

successfully defending the NHS trust in this whistleblowing claim involving patient safety issues

Professor Pitcher v University of Oxford [2022] IRLR 946 (EAT)

acting for the claimant in an age discrimination case challenging the legality of the university retirement policy

Farmah v Birmingham City Council [2018] ICR 921 (EAT)

a case concerning procedural requirements in multiple equal pay claims

Dr Srivatsa v Sec of State for Health and another [2018] EWCA Civ 936 (CA)

acting for the second respondent, now the leading authority in respect of estoppel when a claim has been withdrawn in the tribunal and re-started in the High Court.

Ramloga v Dimension Ltd (2018) (CA)

successfully acting for employer in an appeal about admitting fresh evidence.

Singh v Glass Express Ltd (2108) (EAT)

correct test for nil award for contributory fault and/or Polkey.

Lee v S Warwickshire NHS FT (2018) (EAT)

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correct test for finding discrimination when a discriminatory reference is received.

Nissa v Waverley Foundation (2018) (EAT)

correct test for definition of disability for undiagnosed impairments.

Portsmouth Hospital v Corbin (2017) (EAT)

correct test for wrongful dismissal and contributory fault.

Brito-Babpulle v Isle of Wight NHS (2016) (EAT)

correct test for causation for detriment in a whistleblowing claim.

Practice Surgeries v Dr Srivatsa (2016) (EAT)

correct test for dismissing proceedings upon withdrawal.

Dr Simawi v Barking Havering and Redbridge NHS Trust (2015) EAT

correct test for indirect race discrimination re qualifications to apply for a post.

Injunctions

Mugni's civil law practice is focussed on injunction work in the High Court, where he acts for employers and employees in cases involving restrictive covenants, wrongful dismissal, data theft, and unfair competition.

He has successfully applied for and defended applications/claims for breach of contract, breach of fiduciary duties, interim relief and springboard injunctions, as well as defending proceedings for committal for breach.

Mugni also sits as a Deputy District Judge in the County Court.

Investigations

Mugni is instructed by a number of national law firms and large employers to conduct either independent or legally privileged investigations concerning conduct involving very senior employees or directors. Matters usually involve issues of discrimination, whistleblowing, safeguarding, fraud, gross misconduct, bullying and harassment.

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Private Sector

Mugni appears regularly for a number of FTSE100 and FTSE250 clients that are household names. His wider practice also includes acting for airlines, aerospace and engineering, banks and professional services businesses such as accountancy and law firms.

He is also experienced in representing employers who wish to protect themselves from their departing employees trying to poach their business, and appears in the High Court on restrictive covenant injunction cases.

NHS/Health Sector

Mugni has built up an extensive knowledge over the last 20 years of the workings of the NHS/health sector, acting for a whole range of acute trusts, FTs, mental health trusts, and other health entities He has experience dealing with:

- Complex whistleblowing claims – this represents a large proportion of Mugni’s ET work
- Doctors’ disciplinaries (MHPS)
- Agenda for Change issues
- Professional misconduct of other healthcare staff and/or relating to Serious Untoward Incidents. – TUPE issues arising from commissioning decisions.

Local Government & NDPBs

Mugni is familiar with the specific needs of NDPBs and local authority clients (particularly in respect of schools) and the complex legislative framework in which they operate. He has many years of experience in acting in discrimination or whistleblowing claims for such clients, but also has experience in acting in niche areas by providing:

- Advice and representation in termination of employment of senior officers (e.g. Chief Executive or Finance Director) due to gross misconduct, under the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202).
- Advice and representation on transfer of liabilities relating to staff transferring when a maintained school converts to academy status, under TUPE and/or the Academy Act 2010 (as amended) upon dissolution of the governing body.

Education Sector

Over the years, Mugni has developed expertise in dealing with cases in the education sector, acting for Universities, academics, FE Colleges and private schools.

Awards

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Appointments

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Qualifications

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