



**REPUBLIC OF KENYA
IN THE EMPLOYMENT & LABOUR RELATIONS COURT AT NAIROBI
JUDICIAL REVIEW NO.9 OF 2019**

KENYA NATIONAL UNION OF TEACHERS.....EX-PARTE APPLICANT

-VERSUS-

THE TEACHERS SERVICE COMMISSION.....RESPONDENT

(IN OPEN COURT ON 16th MAY, 2019 BEFORE HON. JUSTICE BYRAM ONGAYA)

ORDER

APPLICATION FOR ORDERS

1. **THAT** leave be granted to the Applicant to apply for an Order of *certiorari* to bring before this Honourable Court and quash the decisions of **TEACHERS SERVICE COMMISSION** as contained in its various letters of interdiction and or show cause addressed to:

	NAME	TSC NO.
1.	Namisi Murumba	237421
2.	Robert Mandillah	354536
3.	Nelly Melisa Omulubi	330149
4.	Kennedy M. Ayodi	266107
5.	Jackline M. Mulindi	485680
6.	Edith Udoto	371138
7.	Ebrahim Kizito Wanjala	458665
8.	Saupar N. Mwami	339968
9.	Julius M. Muteyitsi	289551
10.	Beatrice Kutswa	229696
11.	Okoti Rodgers	428143
12.	Benjamin Oketch	342987
13.	Erick Juma Adriano	328542
14.	Daniel Kimomo Nginga	254075
15.	Nicholas Katumbi	408339
16.	Mary Malelu	472281
17.	Musyimi E. Kavutha	345330
18.	Erastus Michael Munyasya	459797
19.	Miriam Mwanja	463372

20.	Henry M. Kivuva	468123
21.	James Mutua	461093
22.	Rose Nduku Masila	241197
23.	Japheth Muia	423888
24.	Peter M. Kitonyi	483291
25.	Simon Kyalo Kilili	398717
26.	MacDonald Kithi Yaa	200466
27.	Christine Mukare Nzaro	365738
28.	Martin N. Kombe	266467
29.	Alphonse Thoya Mramba	460095
30.	Chibungu Runya	315421
31.	Mary W. Mwadime	197520
32.	Geoffrey Malimu Katindi	361103
33.	George Kombe Yeri	459753
34.	Jeremiah O Ogwoka	301485
35.	Omagwa John Oketch	316358
36.	Motegi Samwel Okechi	301089
37.	Joseph Makambe Moguche	249545
38.	Achola George Ochieng	316432
39.	Ositu John Kengere	247934
40.	Ochari Wilson Odepo	248462
41.	Odhuno Caleb Ododa	268071
42.	Onyancha Gladys	227216
43.	Omonyi Bernard Ongwenyi	339791
44.	Masare Joseph	344643
45.	Ochoki Gladys Mokeira	328765
46.	Manwa Henry Nyabuto	298426
47.	Oteko Philip Ogola	233549
48.	Oigo Moses Mauti	286906
49.	Nyamari Jeremiah Miruka	308540
50.	Onyancha Willis Abraham	217658
51.	Onyango Jacob Kennedy	412872
52.	Machera Charles Onduko	341137
53.	Lucy Bella Oronyi	252464
54.	Musa O. Ositu	341820
55.	Shambi Rejoice Wawuda	213877
56.	Getaro Josephine Momanyi	201038
57.	Abongo Jeconia Jumbo	266826
58.	Sangae Joel Boniface	267238

59.	Ositu Ezekiel	326540
60.	Nyakweba David Nyarongi	253078
61.	Zedekiah Oichi	264031
62.	Michael Moturi	252198
63.	Hezbon Onyango	330484
64.	Yunuke Omete	216522
65.	Charles Onchagwa	283729
66.	William Ali	316337
67.	James Mogire	239454
68.	Mishaal Okdoga	220771
69.	Annastacia Munyao	258352
70.	Patrick Muema Kiswii	214636
71.	Mary Mulelu	472281
72.	Gabriel Kisilu	308982
73.	Christopher Kitua	362758
74.	William Ali	316337
75.	Musyimi Elizabeth Kavutha	345330
76.	Charles Onchagwa	283729
77.	Yunute Omete	216522
78.	Michael Moturi	252198
79.	James Mogire	239454
80.	Hezron Onyango	330484
81.	Mary Waldo Mwadime	197520
82.	Stephen Shume	219124
83.	Christopher Mwangangi	331409
84.	Boniface Kitui	257382
85.	David Lavuta	329621
86.	Patrick Kiamba	338278
87.	Peter Mwangangi	281451
88.	Peninah Mwangangi	199642
89.	David Muliwa	214762
90.	Daniel M. Nzioka	260936
91.	Winfred M. Mutinda	473033
92.	Onesmus M. Muthini	515263
93.	Annastacia Munyao	258352
94.	Joel Wambua	342581
95.	Peninah Kambo	566093
96.	Leonard Leposo	480989
97.	Daniel Nginga	254075

98.	Betty Kemunto	519449
99.	Mwanahamisi Hamisi Karoyo	403431
100.	Suleiman S. Mraja	467576
101.	Nassir Shee Mohammed	338931
102.	Omar Matano Mwakuyu	230130
103.	Tsulu Omar Mwadudu	365702
104.	Japhet Charo Katana	223730
105.	George Kombe Yeri	457953
106.	Ahmed Shukri	340920
107.	Bodole Mohamed Gobu	255532
108.	Musyimi Itunduu	314163
109.	Kitangu Joseph Kyalo	444434
110.	Mbaluka Paul Mule	459329
111.	Janet Kadzo Baya	468522
112.	Geoffrey Malimu Katindi	361103
113.	Rashid Wafula	212375
114.	Fred Okang'o	194593
115.	Ngulutu Peter Alexander	215459
116.	Katheku Sarah Mwikali	462385
117.	Savuli Emmanuel	470821
118.	Wambua Eunice Keli	283123
119.	Kivunzi Irene Mwathi	410342
120.	Nzau Onesmus Kimanzi	502945
121.	Muthengi Thomas Muneeni	209730
122.	Elly Korinko	355562
123.	Malit James Lodidio	394571
124.	Albert Ratunga Melita	439841
125.	Maruna Faith Kuntai	538395/14
126.	David Mpata Tukuyoi	489728
127.	Charity Nenkape Patita	526496
128.	Kutata Kishapui James	360244
129.	Jackson Mutevu Mutunga	220007
130.	Ikayo Salim Kerema	476378
131.	Nganga Peter Ngamau	224385
132.	Benson Kodidio Karino	394316
133.	Joseph Saidimu	497401
134.	Ogiri Peris Nyaboke	690068
135.	Mosiro Elizabeth sopiato	466603
136.	Kirisuah Gibson Simitia	395398

503729	137.	Sintei Keton Joseph
394559	138.	Eljah Sululu
367113	139.	Yiaro Jorum Tiampati
449273	140.	Jacqueline Saami Shankka
430906	141.	Stanley Supeyo Kaipai
437116	142.	Paul Pasua Saitoti
765236	143.	Ndangili Daniel Nzioki
367366	144.	David Mako Kadiko
297087	145.	Burugu George Konyongo
574329	146.	Milaingot Agnes Sanaek
578580	147.	Mirao Henry Risa
574678	148.	Suyianka Samuel Solomo
659807	149.	Lylyrose Mueni Maweu
588372	150.	Kimuyu Grace Ndinda
249762	151.	Maundu Reuben Mutuku
378723	152.	Mwau Boniface Kimanyi
485855	153.	Kyalo Eliza Mueni
457576	154.	Lanken Jemimah Saiton
260991	155.	Mary Mwende Keli
605728	156.	Kingola John Mwiu
354597	157.	Mukare Jeremiah
246768	158.	Jonathan Ivui Katunga
457577	159.	Serina Jonathan Kisiren
483448	160.	Faith Naresia Kulale
396376	161.	Josphat Teresia Silantoi
526508	162.	Julius Saitoti Santamu
526503	163.	Hellen Kaiti Mutua
397239	164.	Hellen Naserian Mayiani
329487	165.	Alex Limpaso
574337	166.	Muli Thomas Kyalo
652371	167.	Benard Lemeln Kishoyian
474472	168.	James Seketian Lekishon
394558	169.	Mooke Andrew Kakayon
542548	170.	Naserian Sheila
484953	171.	Njogu Peter Muhiha
652371	172.	Kishoyian Bernard Lemeln
347934	173.	Ositu John Kengere
326540	174.	Ositu Ezekiel
412872	175.	Onyango Jacob Kennedy

176.	Abongo Jeconia Jumbo	266826
177.	Achola George Ochieng	316432
178.	Lucybella Oronyi	252464
179.	Odhino Calleb Ododa	268071
180.	Onyancha Gladys	227216
181.	Getaro Josephine Momanyi	201038
182.	Nyamari Jeremiah Miruka	308540
183.	Elijah W. Gironi	354383
184.	P. Ntaloi Lameria	409002
185.	Jeremiah O. Ogwoka	301485
186.	Bernard Omondi Ngesa	459011
187.	Millicent A. Otieno	455212
188.	Isaiah Odhoambo Mawirah	360672
189.	Mawira Isaiah Odhiambo	360672
190.	Zedekiah Miseda Owuor	383068
191.	Odero John Abonyo	295584
192.	Ongao Ezekiel Otieno	509320
193.	Arega Jared Otieno	430423
194.	Okoti Rodgers	428143
195.	Beatrice Kutswa	229696
196.	Benjamin Makale Oketh	342987
197.	Tungani Albert	258712
198.	Kyengo Shadrack Musau	410175
199.	Cellinah Muendo	253469
200.	Kamau Julius	221686
201.	Grace Mutiso	214931
202.	John Muraguri	345685
203.	Kyengo Shadrack Musau	410175
204.	Mutiso Moses Muindi	365294
205.	Mutiso Moses Muindi	365294
206.	Patrick Chungani	325812
207.	Nelly Melissa O.	330149
208.	Tom Ingalo Ben	330115
209.	Fredrick Nguma	231298
210.	Michael kazungu	258463
211.	Geofrey M. Mulinya	330738
212.	Archideous liyayi	317099
213.	Musungu Casper Shitsaman	479284
214.	Japheth Tsuma Nzai	259937

215.	Mwanzara Mgandi	360628
216.	Iminyi Nelson Ilamoka	482672
217.	Musyimi Itunduu	314163
218.	Muthengi Thomas Muneeni	209730
219.	Kitangu joseph Kyalo	444434
220.	Nzau Onesmus kimanzi	502945
221.	Erastus Michael Munyasya	459797

2. **THAT** the leave be granted to the Applicant to apply for an Order of *prohibition* prohibiting the **TEACHERS SERVICE COMMISSION** from proceeding with disciplinary action against the persons listed in 1 above as it has purported to do or at all.
3. **THAT** the grant of leave herein do operate as a stay of the various letters of interdiction and/or show cause issued by the Teachers Service Commission and addressed to the persons listed in 1 above pending the hearing and determination of this Judicial Review Application.
4. **THAT** costs of this Application be provided for.

This matter coming up for hearing of the Applicant application dated 16th May, 2019 brought under certificate of urgency presented to this court on the same date Under Order 53 Rule 1, 2 & 4 of the Civil Procedure Rules, 2010, Section 11 of the Fair Administrative Act 2015 and all other enabling provisions of law **AND UPON READING** the supporting affidavit of **WILSON SOSSION** sworn on 16th May, 2019 and the annextures thereto **AND UPON HEARING** counsel for the Applicant Exparte;

IT IS HEREBY ORDERED:

1. **THAT** the application be and is hereby certified urgent and heard exparte in the first instance.
2. **THAT** leave is hereby granted to the applicant to apply for judicial review orders of certiorari and prohibition as prayed for in prayers 1 and 2 of the chamber summons.
3. **THAT** the leave granted herein to apply for the judicial review orders of certiorari and prohibition do operate as a stay of the proceedings flowing from the various letters of interdiction or show cause notice issued by the Teachers service Commission and addressed to the persons listed in prayer 1 of the chamber summons pending the hearing and determination of the substantive Judicial Review application to be filed or further orders by the court.
4. **THAT** the substantive Judicial Review application by way of a notice of motion be filed not later than 23/5/2019 and be fixed for hearing not later than 7/6/2019.

5. **THAT** the applicant to serve upon the respondent the application herein together with all papers filed together with the application and to do so by close 17/5/2019.
6. **THAT** the costs of the application to abide the substantive notice of motion to be filed.

GIVEN under my Hand and Seal of this Honorable Court this 16th day of May, 2019.

ISSUED at Nairobi this 17th day of May 2019

DEPUTY REGISTRAR
EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

Certified True copy of the Original
Sign:
Deputy Registrar Employment and
Labour Relations Court
Date: 17/5/19