



Goshen Medical and Technical College & another v National Industrial Training Authority (Petition E052 of 2023) [2023] KEHC 2817 (KLR) (Constitutional and Human Rights) (31 March 2023) (Ruling)

Neutral citation: [2023] KEHC 2817 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CONSTITUTIONAL AND HUMAN RIGHTS
PETITION E052 OF 2023
HI ONG'UDI, J
MARCH 31, 2023**

BETWEEN

GOSHEN MEDICAL AND TECHNICAL COLLEGE 1ST PETITIONER

DR BEATRICE GICHURU 2ND PETITIONER

AND

NATIONAL INDUSTRIAL TRAINING AUTHORITY RESPONDENT

RULING

1. Upon reading the application dated March 29, 2023 this court issued directions for service of the same plus summons for the respondent's Director General to come and shed some light on what was happening in this matter plus others filed before this court.
2. Though the Director General did not show up M/s Caroline Kibiwott counsel for the respondent and who is familiar with the matter herein appeared and gave a detailed explanation of the same. After listening to the parties in all the files the following comes out clearly;
 - i. Due to the nature of the desperate girls the petitioners here deal with they are not able to comply with the deadlines given by the respondent.
 - ii. The petitioners have in some instances failed to pay exam fees within the timelines because as they say they rely on the "Agents" to pay the fees for the students.
 - iii. This is a matter which should be sorted out by the Institutions and the respondent. The respondent is simply executing its mandate and if there is any of its staff involved in malpractices they should be reported to the relevant authorities.



- iv. I do not see any violation of the petitioners' rights to make this court issue the conservatory orders sought in the notices of motion. Exams are deferred on a monthly basis and anybody who has missed one due to late payment of exam fees is always accorded a chance to do the exam in the next cohort.
- v. For the above reasons I decline to issue any of the orders sought in the notice of motion dated 29/3/2023.
- vi. The respondent is directed to file and serve its response to the petition within 10 days.
- vii. The petitioners are granted leave to file and serve a further affidavit within 7 days upon service of the response.
- viii. Mention on 3/5/2023 before court 3 for directions on the hearing.
- ix. This ruling applies to Petition E097/023 & E098/2023.

DELIVERED VIRTUALLY, DATED AND SIGNED THIS 31ST DAY OF MARCH, 2023 IN OPEN COURT AT MILIMANI, NAIROBI.

H. I. Ong'udi

Judge of the High Court

Delivered virtually in the presence of:

Cheruto - Court Assistant

Petitioners

Petitioner in Pet E097/2023

Petitioner in Pet E098/2023

M/s Caroline Kibiwott for Respondent.

Court:

This Ruling applies to Petitions No. E097/2023 & E098/2023.

