

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW MISC. APPLICATION NO. 298 OF 2019

IN THE MATTER OF AN APPLICATION FOR ORDERS OF CERTIORARI AND PROHIBITION

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

THE PRINCIPAL SECRETARY, STATE DEPARTMENT OF

EARLY LEARNING AND BASIC EDUCATION.....RESPONDENT

EX PARTE APPLICANT:

THE KENYA ALLIANCE OF NON-FORMAL SCHOOLS WELFARE ASSOCIATION(KANSWA)

RULING

1. This matter was coming up for reservation of a judgment date after parties were directed to file and serve their respective submissions on the *ex parte* Applicant's substantive Notice of Motion dated 28th February 2020. Upon perusal of the court record, I note that there has been no compliance on the part of the *ex parte* Applicant, who had been granted the last opportunity to file and serve its submissions within fourteen (14) days on 12th November 2020. In effect, the outcome of the non-compliance is that the Respondent is also not able to file any submissions in reply.

2. In the premises I accordingly order as follows:

I. The *ex parte* Applicant's substantive Notice of Motion dated 28th February 2020 is dismissed for non-prosecution with no order as to costs, and this file is hereby marked as closed.

II. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the *ex parte* Applicant and Respondents by electronic mail by close of business on Friday, 22nd January 2021.

3. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 21ST DAY OF JANUARY 2021

P. NYAMWEYA

JUDGE