



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**JUDICIAL REVIEW APPLICATION NO. MISC E060 OF 2021**

**IN THE MATTER OF AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW ORDERS OF CERTIORARI AND PROHIBITION**

**BETWEEN**

**REPUBLIC.....APPLICANT**

**VERSUS**

**THE PRINCIPAL SECRETARY, MINISTRY OF**

**INDUSTRIALIZATION, TRADE AND**

**ENTERPRISE DEVELOPMENT.....1<sup>ST</sup> RESPONDENT**

**THE SECRETARY, PUBLIC SERVICE COMMISSION....2<sup>ND</sup> RESPONDENT**

**THE CHIEF EXECUTIVE OFFICER**

**MICRO AND SMALL ENTERPRISE AUTHORITY.....3<sup>RD</sup> RESPONDENT**

**EX PARTE APPLICANTS:**

**1. CHARLES MWANGI WAITHAKA**

**2. CHARLES KALOMBA SHIRAHO**

**RULING NO. 2**

1. On 26<sup>th</sup> April 2021, this Court directed the ex parte Applicants herein to serve the Respondents with the Chamber Summons dated 22nd April 2021 and skeletal submissions thereon, for a virtual *inter partes* hearing of the said application today.

2. Upon perusal of the Court record, I note that the *ex parte* Applicants have not complied with the said directions, and have not provided evidence of service on the Respondents. The *ex parte* Applicants were also not in attendance at the virtual hearing held by video-link today.

3. In the premises I hereby order as follows:

**I. This suit is hereby dismissed for want of prosecution with no order as to costs, and this case is accordingly marked as closed.**

**II. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the *ex parte* Applicants by electronic mail by close of business on Thursday, 20<sup>th</sup> May 2021.**

4. Orders accordingly.

**DATED AND SIGNED THIS 19<sup>TH</sup> DAY OF MAY 2021**

**P. NYAMWEYA**

**JUDGE**