



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO.115 OF 2016

BETWEEN

ERIC MONG'ARE OGARO.....PETITIONER

AND

CATHOLIC UNIVERSITY OF EASTERN AFRICA (CUEA).....1ST RESPONDENT

REGINA PACIS UNIVERSITY COLLEGE.....2ND RESPONDENT

RULING

1. The Application before me is dated 29th March 2016. It seeks the following orders:

“1) That this Honourable Court be pleased to certify this matter urgent and fit to be heard exparte in the first instance.

2) That the Honourable Court be pleased to grant interim injunctive order restraining the Respondents herein jointly and severally, their agents, representatives or their functionaries by whatever name called from excluding or declining to include the Petitioner’s name into the list of students scheduled to graduate in the month of May, 2016 at the Catholic University of East Africa (CUEA) pending herein and determination of the instant application.

3) That Honourable Court be pleased to grant interim injunctive order restraining the Respondents herein jointly and severally, their agents, representatives or their functionaries by whatever name called from excluding or declining to include the Petitioner’s name into the list of students scheduled to graduate in the month of May, 2016 at the Catholic University of East Africa (CUEA) pending herein and determination of the Petition herein.

4) That cost of this application be provided for.”

2. After Parties filed their respective Submissions, it was agreed and I so ordered at the hearing on 20th May 2016, that a Ruling would be delivered on 25th May 2016 in view of the fact that the first 2016 graduation ceremony for the Catholic University of Eastern Africa would be held on 26th May 2016. It was also agreed that the reasons for the Ruling would be delivered at a later date.

3. Having read the said Application and Submissions and having reflected on the same, I am not inclined to grant Prayer 3 thereof. Reasons shall be given on 22nd July 2016.
4. For avoidance of doubt, I am making this Ruling under **Article 159** of the **Constitution** and **Rules 4, 5 and 8** of the **Constitution of Kenya (Protection of Rights and Fundamental Freedom) Practice and Procedure Rules 2013**.
5. The Application dated 29th March 2016 is consequently dismissed. Costs shall bide the Petition.
6. Orders accordingly.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 25TH DAY OF MAY, 2016.

ISAAC LENAOLA

JUDGE

In the presence of:

Muriuki – Court clerk

Mr. Nyanguki holding brief for Mr. Mose for Petitioner

Mr. Onyancha for Respondent

ISAAC LENAOLA

JUDGE

Order

Ruling duly delivered.

ISAAC LENAOLA

JUDGE

Further Order

Reasons for the Ruling to be given on 22/7/2016.

ISAAC LENAOLA

JUDGE