



**IN THE HIGH COURT AT NAIROBI**

**MILIMANI LAW COURTS**

**JUDICIAL REVIEW DIVISION**

**MISCELLANEOUS CIVIL APPL. NO. 385 OF 2013**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**COUNCIL FOR LEGAL EDUCATION ..... 1<sup>ST</sup> RESPONDENT**

**KENYA SCHOOL OF LAW ..... 2<sup>ND</sup> RESPONDENT**

**THE DIRECTOR, KENYA**

**SCHOOL OF LAW ..... 3<sup>RD</sup> RESPONDENT**

**ATTORNEY GENERAL ..... 4<sup>TH</sup> RESPONDENT**

***EX PARTE***

**GREGORY ODHIAMBO NDEGE**

**NAANYU LETIPIILA**

**DUNCAN TAALAM KIMUTAI**

**FELIX MOMANYI MANOTI**

**RULING**

1. The Notice of Motion dated 11<sup>th</sup> November 2013 sought orders of judicial review to quash the decision of the 1<sup>st</sup> and 2<sup>nd</sup> respondents denying the applicants direct admission to the Kenya School of Law or barring them from writing the pre-bar examination.
2. When the matter came up for directions, counsel for the applicants admitted that the applicants has sat the pre-bar examination and passed. He asks the court to adjourn the matter pending further action by the 1<sup>st</sup> and 2<sup>nd</sup> respondents regarding admission.

3. Counsel for the 1<sup>st</sup> and 2<sup>nd</sup> respondents submits that the matter is now spent as the basis for the grant of leave and the Motion has been dealt with and the issue of admission of the applicants is a separate consideration under **section 16** and **Schedule 2** of the ***Kenya School of Law Act, 2012***.
4. I am satisfied that the subject matter of the application has been dealt with by the 1<sup>st</sup> and 2<sup>nd</sup> respondent as the applicants have sat for and passed the pre-bar examination. Under **Schedule 2** of the ***Kenya School of Law Act, 2012***, they are entitled to apply for and be considered for admission to the Kenya School of Law. The consideration and decision, whether or not they are admitted, is a separate matter and constitutes a separate cause of action.
5. In the circumstances, the Notice of Motion dated 11<sup>th</sup> December 2013 lacks substratum. It is dismissed with no order as to costs.

**DATED and DELIVERED at NAIROBI this 28<sup>th</sup> day of January 2014**

**D.S. MAJANJA**

**JUDGE**