



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**  
**PETITION NO. 334 OF 2013**

**BETWEEN**

**ABDI SITAR YUSUF..... PETITIONER**

**AND**

**ATTORNEY GENERAL..... 1<sup>ST</sup> RESPONDENT**

**SELECTION PANEL OF THE**

**TEACHERS SERVICE COMMISSION.....2<sup>ND</sup> RESPONDENT**

**CLERK OF THE NATIONAL ASSEMBLY.....3<sup>RD</sup> RESPONDENT**

**AND**

**WYCLIFFE GISEMBE**

**NYAKINA ..... INTERESTED PARTY/APPLICANT**

**RULING**

1. The application before me today is another one concerning the constitution of the Teachers Service Commission (“the TSC”). The applicant, the interested party, in the Chamber Summons dated 12<sup>th</sup> July 2013 seeks to review my judgment of 8<sup>th</sup> July 2013 specifically concerning the position of chairperson.
2. According to the applicant, the original shortlist of names for chairperson comprised three other names which were not rejected by the National Assembly and should therefore be considered for appointment by the President. Pursuant to the judgment, the Selection Panel has now shortlisted the names and is conducting interviews.
3. As I stated in my judgment, the issue concerning the TSC is one of transition and the Court must be guided by certain values including good governance in resolving the issues before it. It is the obligation of the court to ensure that institutions work and have such a capacity to fulfil their constitutional functions.
4. After hearing the parties, I direct that the persons who had been shortlisted in the initial list but not rejected by the National Assembly should be included in the list to be forwarded to the President for appointment of the Chairperson to the Commission.

**DATED and DELIVERED at NAIROBI this 15<sup>th</sup> July 2013**

**D.S. MAJANJA**

**JUDGE**