



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA AT MIGORI**

**ELC PET CASE NO. E001 OF 2020**

MACYLINE ACHIENG.....PETITIONER

Versus

RONGO UNIVERSITY.....1<sup>ST</sup> RESPONDENT

PROF. SAMUEL GUDU THE VICE-

CHANCELLOR RONGO UNIVERSITY.....2<sup>ND</sup> RESPONDENT

DR. JONATHAN MULWA MWAU.....3<sup>RD</sup> RESPONDENT

DEBORAH MUCHILWA.....4<sup>TH</sup> RESPONDENT

THE HON. ATTORNEY GENERAL .....5<sup>TH</sup> RESPONDENT

**RULING**

1. An application by way of Notice of motion dated 3<sup>rd</sup> February 2021 and duly filed in this court on 9<sup>th</sup> February 2021 under certificate of urgency, has been drawn to my attention for hearing and determination. I note the Constitutional provisions under which it has been generated and the orders sought therein.

2. It is further noted that in the petition evenly dated and simultaneously filed with the application, the petitioner/applicant, **MACYLINE ACHIENG** is seeking reliefs, inter alia;

*a) A declaration that the actions of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents' actions of refusing to avail the Petitioner information necessary for petitioner to gain full benefit from the services offered to the petitioner by the 1<sup>st</sup> respondent including information on her final year examination results violate Article 46 of the Constitution of Kenya and is an infringement of the protection of the petitioner.*

*b) An order of mandamus does issue compelling the respondents to issue the petitioner with her academic transcript for her final year examinations.*

*c) General and exemplary damages. (Emphasis laid)*

3. Quite clearly, the instant matter falls within the jurisdiction of the High Court of Kenya as stipulated in **Article 165 (3) (a) and (b) of the Constitution of Kenya,2010**; see also the Supreme Court of Kenya decision in **Republic vs= Karisa Chengo and others (2017) eKLR**.

4. Wherefore, the present petition be and is hereby transferred to the High Court of Kenya at Migori for hearing and determination to meet the ends of justice as envisioned **under sections 1A, 1B, 3 and 3A of the Civil Procedure Act Chapter 21 Laws of Kenya**. Mention before the Honourable High Court Judge at Migori for directions on **2<sup>nd</sup> March 2021**.

Orders accordingly.

**DELIVERED, DATED and SIGNED at MIGORI this 10<sup>th</sup> day of February, 2021**

**G.M.A. ONGONDO**

**JUDGE**

**In presence of :-**

Tom Maurice - Court assistant