

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

MISC. CIVIL CASE NO.69 OF 200

DUNCAN MURONO WALUCHIO.....PLAINTIFF

VERSUS

EGERTON UNIVERSITY COLLEGE.....DEFENDANT

R U L I N G

This is an application for judicial review. It is dated 22nd March, 2001. The application is brought under Order LIII r.3 of the Civil Procedure Rules. The application seeks, First an order of certiorari to issue against Egerton University to remove and quash the Staff Disciplinary Committee's decision of 7th September, 2000 which summarily dismissed the subject on 11th September, 2000.

There is also a prayer for mandamus to compel Egerton University to reinstate the subject.

The application is grounded on several grounds on the body of the application, statement of facts and a verifying affidavit sworn by the applicant.

The application is opposed by the Respondent University. What appears to have happened is that the applicant and three other employees of the respondent were suspected of stealing timber. They were all summoned before the Staff Disciplinary Committee of Egerton University. The Subject/Applicant was found guilty and a letter of Summary Dismissal served upon him.

The proceedings of the said Staff Disciplinary Committee were not exhibited by the applicant. But the letter of Summary dismissal was. The allegations by the applicant are far fetched. The applicant has not shown me what provisions of the Egerton University Act were breached by the Committee. The applicant was given a chance to defend himself. The Committee found that he had stolen timber. He did not have to be charged in a court of law I have no business interfering with domestic tribunals where the tribunals cannot be accused of breaking the law, exceeding their jurisdiction or acting in breach of natural justice.

I find no merits in the application dated 22nd March, 2001. The same is dismissed with costs to the respondent.

Dated and delivered at Nakuru this 9th day of November, 2001.

D. M. RIMITA

JUDGE

9.11.2001