



Johana v Secretary Teachers Service Commission & another (Miscellaneous Application 162 of 2006) [2025] KEHC 1427 (KLR) (12 February 2025) (Ruling)

Neutral citation: [2025] KEHC 1427 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
MISCELLANEOUS APPLICATION 162 OF 2006**

FR OLEL, J

FEBRUARY 12, 2025

IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR ORDERS OF JUDICIAL REVIEW (PROHIBITION) & CERTIORARI OF SIMON KAMAU JOHANA

AND

IN THE TEACHERS SERVICE COMMISSION AND THE BOARD OF GOVERNERS-MAIUNI SECONDARY SCHOOL

BETWEEN

SIMON KAMAU JOHANA EXPARTE APPLICANT

AND

THE SECRETARY TEACHERS SERVICE COMMISSION 1ST RESPONDENT

THE BOARD OF GOVERNERS MAIUNI SECONDARY

SCHOOL 2ND RESPONDENT

RULING

1. The Application before this court is a notice of motion application dated 11.11.2024 not anchored on any law. The Applicant seeks the following prayers, that;
 - a. That the file herein be re opened and leave be granted for hearing of the applicants application dated 22nd September 2006 as filed on 22nd September 2006.
 - b. That Costs be in the cause.
2. The Application is supported by a supporting affidavit of the Applicant dated 11.11.2024 who deposed that he had filed an application dated 22.04.2024, which was dismissed vide this court's ruling dated 09.10.2023. After the ruling was read, the court did suo moto close this file, which in his opinion was unfair as the matter had not been exhaustively dealt with. He thus urged this court to reopen the file to allow him to continue with his fight against the injustice that led him to lose his employment.



A. Determination

3. As explained in the ruling dated 22nd April 2024, the applicant was granted leave to file his substantive judicial review Application on 29th September 2006 but slept on his right for seventeen (17) years before seeking for extension of time to do so in 2023. His application for extension of time was rejected and the court file was marked as closed.
4. The applicant seeks to know, why the file was marked as closed, and in a layman's language, it is because there is nothing left for the court to determine. The application for leave to apply for Judicial review orders dated 22.09.2006 was dispensed with once leave was granted to do so on 29.09.2006. There is nothing left to be determined thereto.
5. In short, his case is long dead and cannot be revived under whatever circumstance. He must forever hold his peace and accept this reality.
6. The upshot is that the notice of motion application dated 11th November 2024 lacks merit and the same is dismissed with costs to the respondents.
7. It is so ordered.

RULING DATED AND SIGNED AT MACHAKOS THIS 12TH DAY OF FEBRUARY 2025.

FRANCIS RAYOLA OLEL

JUDGE

DELIVERED ON THE VIRTUAL PLATFORM, TEAMS THIS 12TH DAY OF FEBRUARY 2025.

In the presence of;

No appearance for Applicant

No appearance for Respondent

I Jabo Court Assistant

