



**Wamban v University of Nairobi & 2 others (Constitutional Petition
E006 of 2025) [2025] KEHC 4077 (KLR) (2 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4077 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CONSTITUTIONAL PETITION E006 OF 2025**

DK KEMEL, J

APRIL 2, 2025

BETWEEN

JAMES OWITI WAMBAN PETITIONER

AND

THE UNIVERSITY OF NAIROBI 1ST RESPONDENT

**THE INDEPENDENT COMMISSION OF THE UNIVERSITY OF
NAIROBI 2ND RESPONDENT**

DR KENNETH OMBOGI 3RD RESPONDENT

RULING

1. I have given due consideration to the sentiments of all learned counsels. I have also perused the several Petitions namely Siaya HC Petition No. E007/2025, Siaya High Court Petition No. E006/2025 and Milimani High Court Petition No. E166/2025 (now transferred to Siaya High Court and given new number E008 of 2025). It is not in dispute that the Petitioners in all these petitions are challenging the manner in which those gunning for the election of Nairobi University Student Assembly have been processed and or nominated and that they seek almost similar reliefs in their respective petitions. It is not in dispute that learned counsels for petitioners are seeking for the consolidation of these petitions so as to make it easier for the court to determine them. It is also not in dispute that this court had earlier issued interim orders of stay and or suspending the UNSA Elections that had been slated for the 26th March, 2025 pending the hearing of the Petitioners' application in Petition No. E006/2025. It is also not in dispute that the Respondents in Petition E006/2025 have filed an application dated 27/3/2025 seeking for discharge of the Ex-Parte orders issued on 25/3/2025. It is also not in dispute that learned counsels for the Petitioners seek for the maintenance of orders of status quo pending the determination of the Petitions herein. This being the position, i find the issues for determination at his stage are firstly, whether consolidation of the three petitions should be ordered and secondly, whether the Ex-Parte orders made on 25/3/2025 should be maintained pending determination of the petitions.



2. As regards the first issue, it is noted that the Petitioners in the petitions more or less seek similar prayers and hence it is appropriate to have them consolidated so that the court can determine all the issues at once. This will be beneficial to the parties and the court as it will have saved time and convenience. I find that no prejudice will be suffered by the Respondents if the consolidation is made.
3. As regards the second issue, it is noted that the issues at stake are quite dear to the Petitioners and Respondents. On the one hand, the Petitioners have raised fundamental Constitutional issues regarding the election of the University of Nairobi Student Assembly wherein they raise violations of their rights under *the Constitution*. On the other hand, the Respondents have incurred substantial expenses in the preparations of the hotly contested Student Leadership Elections. Clearly, each side has a stake in the matters now pending determination. The scenario that emerges is that a discharge of the Ex-Parte orders dated 25/3/2025 will render the Petitioners' petitions an academic exercise while an order of maintenance of the status quo as ordered on 25/3/2025 will definitely be a discomfiture on the part of the Respondents who had prepared for the elections and made several payments in that regard. However, it is not in dispute that the Respondents had put in place systems for the election exercise and that the agents mandated to conduct the same are still ready to do so once they get the go ahead. It has been indicated by the Respondents that there is a likelihood of a vacuum being created in the Student Leadership in all the concerned Campuses as they are an integral component in the governing of such institutions. This is indeed a germane concern. However, this court can direct the parties herein to fasttrack the hearing of the matters so that a determination is made within the shortest time possible. I find the second scenario to be fair and just and hence there is need to maintain the status quo as ordered on 25/3/2025 pending determination of the Petitions.
4. In the final analysis, the following orders are hereby issued:
 1. High Court Petition Numbers E006/2025, E007/2025 and E008/2025 (formerly Milimani High Court Petition No. E166/2025) are hereby ordered consolidated and that the proceedings will be conducted in Petition No. E006/2025.
 2. An order of status quo be and is hereby maintained as ordered in Petition E006/2025 (25/3/2025) pending determination of the Petitions.
 3. The Petitions herein shall be canvassed by way of written submissions as follows: -
 - a. The Petitioners shall file and serve submissions alongside further responses if need be within three (3) days of service of response by the Respondents.
 - b. The Respondents to file and serve within three (3) days of service by the Petitioners.
 4. The respective applications by the Petitioners and Respondents herein are deemed as spent.
 5. Matter is fixed for mention on 9/4/2025 at 2.30 pm to confirm compliance and to reserve judgment date.
 6. Leave is granted to each counsel to briefly highlight their submissions if need be, within five (5) minutes each.

DATED AND DELIVERED AT SIAYA THIS 2ND DAY OF APRIL, 2025.

D. KEMEI

JUDGE

In the presence of:



Oduolfor the Petitioner in Petition E006/2025.

Majimbofor Petitioner in Milimani High Court Petition E166/2025

Arikafor Petitioners in Petition No. E007/2025

Omondi..... for Respondents.

