



REPUBLIC OF KENYA



KENYA LAW
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**Board of Management, Gatoto Community Primary School & 2 others v
Memusi & 6 others (Petition E686 of 2024) [2025] KEHC 9793 (KLR)
(Constitutional and Human Rights) (12 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9793 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

CONSTITUTIONAL AND HUMAN RIGHTS

PETITION E686 OF 2024

AB MWAMUYE, J

JUNE 12, 2025

**IN THE MATTER OF: ARTICLES 2, 3, 10, 19, 20, 21, 22, 23, 27, 28, 43,
47, 48, 50, 53, 258 AND 259 OF THE CONSTITUTION OF KENYA, 2010**

AND

**IN THE MATTER OF: ALLEGED CONTRAVENTION
OF THE BASIC EDUCATION ACT, NO.14 OF 2013**

AND

**IN THE MATTER OF: THE ALLEGED CONTRAVENTION
OF THE BASIC EDUCATION REGULATIONS, 2015**

AND

**IN THE MATTER OF: ALLEGED CONTRAVENTION OF
THE FAIR ADMINISTRATIVE ACTIONS ACT, NO. 4 OF 2015**

AND

**IN THE MATTER OF: THE UNITED NATIONS
CONVENTION ON THE RIGHTS OF A CHILD**

AND

**IN THE MATTER OF: THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)**

AND

IN THE MATTER OF: IRRATIONALITY AND UNREASONABLENESS

BETWEEN



THE BOARD OF MANAGEMENT, GATOTO COMMUNITY PRIMARY SCHOOL 1ST PETITIONER

THE BOARD OF DIRECTORS, GATOTO PRIMARY SCHOOL 2ND PETITIONER

FELIX MWANGANGI MAUNDU 3RD PETITIONER

AND

NICHOLAS MEMUSI 1ST RESPONDENT

PETER WABWOBA MAKALI 2ND RESPONDENT

MARY KIMEU 3RD RESPONDENT

DAVID NDIRANGU 4TH RESPONDENT

ROBINSON KOMBO OGECHI 5TH RESPONDENT

COUNTY EDUCATION BOARD, NAIROBI COUNTY 6TH RESPONDENT

REGIONAL DIRECTOR FOR EDUCATION 7TH RESPONDENT

JUDGMENT

Introduction

1. This petition concerns the alleged forceful takeover of Gatoto Community Primary School (also known as Gatoto Community Integrated School) in Mukuru Kwa Reuben, Nairobi, originally established and managed as a private, non-profit community school under the APBET framework. The Petitioners are the Board of Management and Board of Directors of the school (operating under the Gatoto Integrated Development Programme) and a parent of pupils. They challenge actions by various State officials (Police, provincial administration, education officers and the former Board Chair) who purported to re-register and convert the school into a public institution. The Petitioners claim that these actions were done without legal authority or due process, violating the school's established status and the rights of its pupils and managers.
2. They pray for declarations that the school is a community based APBET (Non-Profit) institution, that any purported re-registration is null and void, and orders restoring its status and management, as well as injunctions against further interference and harassment.
3. The Respondents (including police officials, the Area Chief, Sub-County and County education authorities, and the former Board Chairperson) oppose the petition. They assert that the conversion to a public school was lawful and that the Petitioners lack authority or standing to block that process.

Background

4. Gatoto Community Primary School was founded in 1994 by the Gatoto Integrated Development Programme (GIDP), a local non-profit organisation. The school operates on land (L.R. No. 27055) donated for its benefit. Official title to this land is vested in the Permanent Secretary (PS) Treasury, but as the Petitioners' evidence shows the Treasury holds the title in trust for the school's benefit, having no personal interest in the land. From its inception, the school has been financed entirely by GIDP, charitable donors and nominal parent contributions. Audited accounts confirm that no Free



Primary Education (FPE) capitation or other government funding has ever been received by Gatoto for its recurrent or capital expenses. Over nearly 30 years, GIDP (a Public Benefit Organisation) and its Board of Governors have managed the school's operations and facilities; at no time has the government provided teachers or resources for the school.

5. Up until 2024, Gatoto functioned as a private, community-based school under the APBET (Alternative Provision of Basic Education and Training) framework. In October 2023 the Ministry of Education's Quality Assurance Directorate assessed Gatoto. The purpose was purportedly to "align the school's registration with the new certificate issued by the County Education Board" and to "re-establish Gatoto's status as a fully public institution and enable the resumption of FPE capitation". Before that assessment, the school received no government capitation, and continued to depend on donor support. Shortly thereafter, on or about 12th September 2024, Robinson Ogechi (the 5th Respondent and former Chair of Gatoto's Board, whose term had ended in 2021) allegedly took clandestine action to re-register the school as a public institution. He obtained a new Certificate of Registration dated 15th October 2024, effectively converting Gatoto into a government school despite having no current authority to act on behalf of the school.
6. Following this, the Respondents including the police OCS and the Area Chief ordered the elected Board of Management to vacate the premises and locked the Petitioners out of the school. These actions disrupted school operations and alarmed parents. On 24th October 2024, lawyers acting for GIDP warned the former Chairperson against trespass, but by early November the Chief had declared the school "off-limits" and even deployed security to enforce this.
7. The Petition was filed on 11th December 2024. By then the Petitioners had also sought Conservatory Orders to maintain the status quo. On 10th February 2025, before hearing the petition, this Court granted conservatory orders restraining interference with the school's administration. Despite that, the Petitioners alleged continuing threats and actions by some Respondents. The petition invokes Articles 2, 3, 10, 19, 20, 21, 22, 23, 27, 28, 43, 47, 50, 53, 58, 258 and 259 of *the Constitution* and related laws and international covenants.
8. This Court has distilled the following issues from the pleadings and submissions:
 - a. Whether Gatoto Community Primary School lawfully a private/community (non-profit APBET) school or a public school under the *Basic Education Act*?
 - b. Whether the Ministry's or 5th Respondent's conversion of Gatoto to a public school lawful and procedurally fair?
 - c. Whether the Respondents violate Article 47 by acting without due process (notice, hearing, or reasons)?
 - d. Whether the takeover disregard children's rights (free basic education and best interests) under Article 53?

Analysis and determination

School Classification: APBET (Private) vs Public

9. The first issue is Gatoto's legal classification. The *Basic Education Act*, 2013 expressly recognizes only two categories of schools: public and private. Section 43(1)(a) defines a public school as "schools established, owned or operated by the Government" (including those sponsored by government). By contrast, section 43(1)(b) defines a private school as one "established, owned or operated by private individuals, entrepreneurs and institutions". The facts show that Gatoto was established and run by



GIDP, a registered NGO and Public Benefit Organisation (a private entity), relying entirely on donors and parent fees. Its land is held in trust and no government agency was paying its teachers or budget. These circumstances squarely fit the statutory definition of a private school. In short, Gatoto was a privately-owned, community-based school, not a government school.

10. The Respondents' case appears to rest on the October 2024 re-registration certificate, which on its face declared Gatoto a public school. But that re-registration can only change the school's legal status if validly carried out under the Act and regulations. Unless the conversion process complied with law, the school's status remains that of a private APBET institution. In this case, the Petitioners have produced cogent evidence that Gatoto has never functioned as a state school: it has never received any Free Primary Education capitation, nor any government support, in its 30-year history. All infrastructure (classrooms, facilities) was funded by foreign and local donors and parent contributions. The 1st and 2nd Petitioners (GIDP and its Board) have been "solely responsible for the school's establishment, management, and operations for over 30 years". This evidence strongly indicates that Gatoto remained under private/community control at least up to late 2024. Indeed, the existence of GIDP's NGO registration (2006) and Gatoto's own APBET association registration (2013) underscores the Petitioners' legitimate role in its management.
11. In *Shree Visa Oshwal Community Nairobi Registered Trustees v AG*, the Court of Appeal held that under the *Basic Education Act* "public schools" include those established and sponsored by donors for the public benefit, whereas "private schools" are run by private persons or institutions. In that case, a school founded and managed by a charitable trust was held to be a public (sponsored) school because it fell within the Act's definition – even though the sponsor had built the facilities, it was deemed a public project for children's education.
12. By contrast, a public school would be one where the State exercises ownership or control. Here, beyond the disputed certificate, there is no proof that the Government invested in or controlled Gatoto before 2024. The October 2023 MoE assessment contemplated converting it to a public school, but until completion of any lawful process, Gatoto's status remained that of a private APBET school. In summary, on the facts and law Gatoto was a community based APBET institution until the challenged re-registration.

Lawfulness and Procedural Fairness of Re-registration

13. Even if Gatoto were capable of conversion to a public school, the process must follow the law. Regulation 80 of the Basic Education Regulations mandates that "No person or Board of Management shall change the status of a registered institution without re-registration." In other words, any change from private to public (or vice versa) requires formally re-registering the school under the Act, following all prescribed procedures. Regulation 80 goes on to make such re-registration contingent on meeting statutory requirements (facilities, staffing, curriculum, etc.). The Petitioners note that this Reg.80 requirement was never properly followed. The 5th Respondent's unilateral act of obtaining a new certificate on 15th October 2024 amounted to a self-declaration of status change, not a formal statutory re-registration. No independent Board of Management applied for or approved that change, and it was done without the petitioners' knowledge or involvement.
14. Furthermore, under Regulation 80 and the Minister's APBET guidelines, the County Education Board and quality assurance officers must conduct inspections and approve any status change. The October 2023 assessment report noted that Gatoto required governance reforms to comply with the Act. Yet there is no evidence those conditions were met. In any event, if the County Education Board or Regional Director intended to convert Gatoto, the school's governing body (the Petitioners) should



have been consulted. No notice was given to the Board regarding any re-registration initiative, nor were the Petitioners informed of the grounds for converting the school.

15. This procedural lapse implicates principles of natural justice and fair administrative action. Article 47 of *the Constitution* and the *Fair Administrative Action Act* require that any person affected by administrative action is entitled to be given adequate notice of the nature and reasons for the action. Section 4(3)(c) of the *Fair Administrative Action Act* specifically provides that affected persons must be given “prior adequate notice of the nature and reasons for the proposed administrative action”. Here, the Petitioners were not notified of any proposed takeover or re-registration of Gatoto, nor were reasons disclosed in advance. The takeover was accomplished by a surprise certificate and by ordering the Board off the premises, leaving no room for hearing their views or challenging the proposed change.
16. The Court of Appeal has emphasized that it is the court’s duty to test whether administrative action was lawful, reasonable, and procedurally fair, considering Article 47. In *Waititu/Kidero*, the court underscored that reasons must accompany executive actions affecting rights, to allow affected persons to understand and contest decisions. No reasons were offered here for depriving Gatoto’s Board of control or for insisting it become a public school. Moreover, fairness requires a decision-maker to act reasonably in the circumstances. For a school long run privately, suddenly taking it over without consulting parents or management is manifestly unreasonable. It appears the Respondents simply assumed public status and acted on it, rather than following an orderly process.
17. In these circumstances, the re-registration/takeover is procedurally defective and thus unlawful. The Petitioners’ evidence (supported by the October 2023 inspection report) shows that Gatoto did not meet the requirements of a public school before any takeover was imposed. The 5th Respondent had no authority after 2021 to speak for the Board, yet he alone procured the new certificate. In sum, even leaving aside the question of substantive justification, the process violated statutory procedure (Reg.80) and *the Constitution*’s fair administrative action mandate. The certificate of 15th October 2024 is therefore, in effect, invalid as a unilateral status change, given the lack of legal process.

Article 47 (Fair Administrative Action)

18. Closely related to the above is whether the Respondents violated Article 47 of *the Constitution*. Article 47 guarantees that persons have the right to fair administrative action, including the right to be heard and to seek redress. It explicitly requires that administrative decisions be reasonable, lawful, and procedurally fair. Where Article 47(2) applies, affected persons must be given the reasons for administrative action. Here, the school’s governing body was an “affected person” by the takeover. As noted, no reasons or hearing were provided before the takeover. Indeed, the abrupt manner of the action suggests there was no contemplation of engaging the Board or staff.
19. The Kenyan courts have repeatedly held that Article 47 imposes a duty on decision-makers to act justly and to afford individuals an opportunity to be heard if their rights or interests are impacted. In *Waititu/Kidero*, the Court of Appeal stated that it is “the duty of the court to determine whether the administrative action complained of was lawful, reasonable and procedurally fair in light of Article 47 (the Fair Administrative Action clause) and the Act [FAA Act]”. Failure to provide reasons or notice violates Article 47. By contrast, the Respondents have not pointed to any meaningful notice or reasons given to the Petitioners; at most there was an after-the-fact letter warning the ex-Chair of no trespass, but nothing informing the Board of a legitimate process.
20. Fair hearing rights (Article 50) also come into play. When a decision affects a person’s rights or legitimate expectations, the person must be given an opportunity to present their case. Here, the Petitioners reasonably expected to continue managing the school unless lawfully removed. That



expectation was taken away without any hearing. Under Kenyan and common-law principles, such deprivation without hearing is unfair. Thus, Article 47 (and Article 50) were contravened by the irregular takeover of Gatoto.

21. No genuine emergency or overriding public interest was demonstrated to justify skipping due process. On the contrary, the supposed rationale – to resume FPE funding – is not borne out by the facts (Gatoto had never received FPE anyway). Simply guessing that government stewardship would somehow benefit pupils does not excuse flouting basic procedural safeguards. Accordingly, the takeover violated Article 47's requirements.

Article 53 (Children's Rights)

22. Article 53 of *the Constitution* enshrines the rights of children. Pertinent here are Article 53(b) guaranteeing “every child the right to free and compulsory basic education”, and the general rule that in all actions concerning children the best interests of the child shall be the primary consideration (Article 53(1) and (2)). The Petitioners contend that by disrupting the school's management, the Respondents jeopardized the children's uninterrupted access to education and ignored their best interests.
23. It is well established that education is a fundamental right of the child. Kenya is also a party to the UN Convention on the Rights of the Child, which requires primary education be free and available to all (Article 28 CRC). These international commitments reinforce Article 53. Although no Kenyan case directly interprets Article 53 in this context, the principle of the child's best interest is a pervasive norm. Any administrative decision affecting a child's schooling must justify that the child's welfare was respected. Here, the evidence shows that Petitioners managed a functioning school serving over a thousand pupils. The takeover – by locking out the school Board and deploying private guards – clearly disrupted the learning environment. That intervention was not shown to be necessary for any bona fide educational purpose and instead appears to have been the handiwork of a disgruntled former Chair, not a decision made for the children's benefit. The children were effectively caught in an internal dispute between adults.
24. To the extent the Respondents argue that government oversight or funding would benefit Gatoto's children, that rationale is unconvincing on the facts. Gatoto children have had school since 1994 without government aid, and to date have not gained any proven advantage from the contested re-registration. Moreover, imposing a takeover against the will of the parents and current managers likely upsets the community's trust and creates uncertainty – hardly in the children's best interest.
25. Persuasive authorities underline that governments must be especially cautious when altering children's education. For example, the South African Constitutional Court in *Governing Body of the Juma Masjid Primary School & Others v Essay NO & Others* (2011) affirmed that every child has a right to basic education and should not be excluded by administrative rigidities. In India, the Supreme Court has likewise held that education is inseparable from the right to life and must be accorded high priority. These jurisdictions illustrate the common-law trend that children's educational rights are given substantial protection. Under those principles, the Petitioners' concerns about children's rights are well founded. The abrupt takeover, lacking any demonstrable benefit to the pupils, was inconsistent with the obligation to prioritize children's interests.
26. Accordingly, the facts of this case an abrupt administrative change not shown to enhance educational delivery mean Article 53's guarantees were effectively breached. The children's right to a stable, free education was imperilled by the Respondents' actions. The Court will therefore give due weight to the best interests of the over 1,000 children enrolled at Gatoto in fashioning its orders below.



Conservatory Orders

27. The Petitioners obtained interim Conservatory Orders on 10th February 2025 to maintain the status quo: the Petitioners retained management roles and the Head Teacher was to consult with them on school affairs. These orders were intended to preserve stability and protect students while the petition is heard. The Respondents' actions in February 2025 barricading the Petitioners from school and refusing to comply with the orders directly flout the court's process. Such contempt of court is itself unlawful. Moreover, by depriving the Petitioners of access to the school, the Respondents have interfered with the education of the children. In doing so they have violated the constitutional right of children to education and the mandatory directive that children's best interests be paramount. The interim orders recognized that continuing with the Petitioners' management was necessary in the children's interest; to defy those orders is to act contrary to the welfare of the child.
28. The best-interests principle is not discretionary; it is a binding constitutional command. Article 53(2) is mirrored by *Children Act* 2022 section 4(7)(a), which states that the best interests of the child shall be the primary consideration in every relevant act. The petitioners allege that before the takeover the school provided meals, water, and free tuition that disproportionately benefited children from low-income families. After the takeover, tuition was introduced in violation of S.29 BEA and feeding was disrupted, causing hungry children to be turned away. This not only violates Article 53 but also breaches Kenya's obligations under international law: the UN Convention on the Rights of the Child (Art.3 and 28) and the ICESCR (Art.13) both require States to make primary education free and to consider children's welfare in decisions. For example, General Comment No.13 on the ICESCR stresses that primary education must be compulsory and available free to all, and that States must prioritize resources for it. The facts alleged show a clear threat to the rights of the Gatoto children, especially the most vulnerable. Thus, not only did the takeover ignore court orders, but it also contravened the constitutional imperative to protect children's best interests in education.

Petitioners' Legitimacy and Standing

29. The Respondents have questioned whether the Petitioners are legitimate managers of Gatoto and thus entitled to sue on its behalf. The 1st Petitioner is the Board of Management of Gatoto Community Primary School, constituted under the school's own regulations. The 2nd Petitioner is the Board of Directors of the Gatoto Integrated Development Programme (GIDP), the parent organisation. The 3rd Petitioner is a parent of a child at the school.
30. The Petitioners have furnished documentary proof of their corporate status and roles. First, GIDP (1st and 2nd Petitioners) is a duly registered NGO. The Petitioners produced its certificate of registration issued on 21st June 2006. Second, Gatoto Primary School itself was registered as a member of national APBET school associations (Certificate No. 30898 dated 20th November 2013). These authentic documents establish that GIDP is an existing legal entity with authority over the school, and that it recognizes the Petitioners as its officers. Thus the 1st and 2nd Petitioners indisputably exist in law and manage the school.
31. Regarding standing, the Petitioners properly filed this constitutional petition under Article 22. Even apart from formal documents, any person acting on behalf of children or a community can seek redress for rights violations. Here, the Petitioners assert violations of fundamental rights (education, administrative justice) affecting the school community. The Courts have repeatedly recognized that in constitutional petitions, the requirement of locus standi is broad. A parent (3rd Petitioner) may sue in the public interest for children's rights, and a school's governing board can enforce the school's rights. There is no doubt that all three Petitioners have a sufficient interest: the Boards manage the school's



affairs, and the parent has a stake in her child's education. The allegations concern the core functions of the Board and the welfare of enrolled students.

32. Accordingly, the Petitioners have satisfied the pleading specificity required by cases such as *Anarita Karimi Njeru v Republic* and *Mumo Matemu v Trusted Society*. They have identified the exact action complained of (the illegal takeover on dates stated) and the rights infringed. We find no procedural defect in their cause of action. The objections to their standing and specificity are unfounded.

Land Held by the PS Treasury

33. A distinctive fact is that the school's parcel of land is registered in the name of the Permanent Secretary to the Treasury (the Treasury). The Respondents have claimed this means the land is effectively Government property, and by implication Gatoto should be a public school. The Petitioners counter that the Treasury holds the title in trust for the benefit of Gatoto School. This trust arrangement has legal significance. Under trust law principles, a trustee (here the PS Treasury) holds legal title but has no beneficial ownership; the benefits of the land (for educational use) belong to the trust's beneficiaries (the school and its community). The Petitioners' affidavit asserts that the deed itself so provides, and that the Treasury's role is limited to guardian of the title.
34. If the land is indeed held in trust, then the Government cannot simply treat it as surplus public land. Instead, it must honour the trust's purpose, which is to provide a site for the school. The Petitioners' evidence (title deed) satisfies their initial burden to show that the land was not freehold government land in the ordinary sense. Once that trust relationship is recognized, the Petitioners (as the school managers) effectively stand as beneficiaries of the trust for educational purposes. The Trust creates a "public benefit trust" (education) of which the state is trustee. In trust law, equity demands that trust property be applied according to its purpose; it cannot be diverted by the trustee (here the State) without regard to the beneficiaries.
35. The Respondents have made much of the Treasury ownership, but without a contrary evidentiary showing that the land was intended for general government use, the trust presumption controls. For present purposes, it means the school land should remain dedicated to the school. This reinforces that Gatoto was meant to be run as a community institution, not commandeered by the state against the donors' intent. In practical terms, the trust implies that the Petitioners have the authority to manage the school on that land; they cannot be evicted or displaced without a breach of trust. Thus, the fact of the PS Treasury holding the deed supports the Petitioners' position: they may invoke the trust to assert that the land cannot be used otherwise, and they (through GIDP) have the right to occupy it for school use.
36. The Court notes that Kenyan jurisprudence on trusts held by the State is limited, but general equitable principles apply. It would be inequitable for the State (as trustee) to allow a third party (the 5th Respondent) to hijack the trust property contrary to its purpose. Unless the government clearly demonstrates that the trust has been lawfully terminated or the land repurposed by statute, the land's beneficial use remains with Gatoto. I conclude that the land's trust status favours the Petitioners' rights and militates against the State's claim to control it for a public school without the Petitioners' consent.

Evidentiary Burdens

37. The disputes in this case turn largely on factual contentions. The Petitioners assert facts (no FPE funding, donor-built assets, trust holding, lack of authority by 5th Respondent, etc.) that they must prove on the balance of probabilities. The Respondents have made counter-assertions that they were entitled to re-register, that the school had begun receiving FPE, that the Petitioners are not lawful



managers, etc.). Under the Evidence Act Section 107, the general onus lies on the party asserting a fact. Here, the Petitioners have put forward substantial documentary evidence to substantiate their claims: audited accounts [2004–2023] showing zero government revenue, copies of the title deed, the MoE inspection report, and NGO registration certificates. These exhibits (collectively Exhibit GN-1) were admitted without challenge.

38. The Respondents' case appears to rest largely on unsupported allegations. The 3rd, 6th, and 7th Respondents (education officials) filed affidavits purporting that Gatoto is on public land and was receiving FPE funds. These claims were expressly refuted by the Petitioners' evidence. In the court's view, the Petitioners have met the threshold of proof on the critical issues. For example, to prove that the land was held in trust, Petitioners showed the actual title documents. To prove funding sources, they produced audited statements and show it all came from donors. Once such prima facie evidence is given, the burden shifts to the Respondents to contradict it. None of the Respondents produced any receipts or records to demonstrate they did fund the school or that the Treasury's title was anything other than a trust.
39. Regarding the status change process, it is Respondents who assert a legal authority to convert Gatoto. Yet they offered no evidence of a valid Board resolution or legal notice. The bare assertion of a registration certificate date is insufficient proof of compliance with the statutory regime. The Petitioners have called the Respondents' evidence "misstatements" and have largely not been able to verify it independently, but the absence of any concrete proof from the State side means the Court must rely on the credible, documented evidence submitted by the Petitioners.
40. The question of Petitioners' own legitimacy was answered by their documents. The 5th Respondent's claim that the Petitioners are "illegal entities" was squarely contradicted by the NGO and APBET certificates. In sum, this court is satisfied that the Petitioners have discharged their evidentiary burden on the fact's material to these issues. Where credible evidence exists, it will be accepted; where assertions lack support, those assertions fail.
41. In conclusion, this court finds that Gatoto Community Primary School is properly characterized as a non-profit community APBET (Alternative Provision of Basic Education and Training) school. The attempts by the Respondents to re-register and convert the school lacked any legal authority and are thus unlawful. Likewise, the purported inclusion of the 5th Respondent in the school's Board of Governors had no valid basis.

Disposition

42. In light of the foregoing, the Court makes the following orders and grants the following reliefs:
 - a. A Declaratory order be and is hereby issued to the effects that the 5th Respondent is not a board member of Gatoto Community Primary School.
 - b. A declaratory order be and is hereby issued that Gatoto Community Primary School is a non-profit community based APBET primary school within the meaning of the basic Education Act.
 - c. A declaratory order be and is hereby issued that the reregistration and conversion of Gatoto Community Primary School into a public school was and is illegal, unconstitutional and in violation of statute law.
 - d. An order of certiorari be and is hereby issued quashing the certificate of registration dated 15th October 2024.



- e. A mandatory order be and is hereby issued to the 6th Respondent to reregister Gatoto Community Primary School as a private non-profit based APBET primary school within the meaning of the *basic Education Act* and under the ownership and management of the 1st Petitioner in line with the certificate of full registration under Registration Number G/PE/234/2008 within 60 days from the date hereof.
- f. A permanent order of prohibition be and is hereby issued against the Respondents jointly and severally and whether directly or through their agents, servants, employees, or related entities from changing the status of the subject school.
- g. A permanent restraining order be and is hereby issued against the Respondents jointly and severally and whether directly or through their agent's servants' employees or related entities from interfering with the operations management and affairs of the subject school save for the exercise of any statutorily founded regulatory and supervisory powers.
- h. Prayers for general and exemplary damages declined.
- i. Each party to bear its own costs.

It is so ordered. File closed accordingly.

DATED, SIGNED AND DELIVERED VIERTUALLY THIS 12TH DAY OF JUNE 2025.

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BAHATI MWAMUYE

JUDGE

