



**Khamis v County Assembly of Kisumu & another (Constitutional
Petition E004 of 2024) [2024] KEHC 4608 (KLR) (3 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4608 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CONSTITUTIONAL PETITION E004 OF 2024**

RE ABURILI, J

APRIL 3, 2024

BETWEEN

MARIAM ABDALLAH KHAMIS PETITIONER

AND

THE COUNTY ASSEMBLY OF KISUMU 1ST RESPONDENT

THE KISUMU COUNTY PUBLIC SERVICE BOARD 2ND RESPONDENT

RULING

1. This matter was before me on 21st March 2023 on the commencement of the recess and I referred it to recess duty court after certifying it as urgent.
2. However, the Registry now returns the file to me indicating that the matter was not attended to by the Recess duty court as mapped to Busia High Court.
3. That being the case, as the recess is over, the file is back to this court for consideration.
4. Having considered the application and the Petition as a whole, I am not persuaded that the issues raised ought to be adjudicated upon by this court.
5. The issues involve employment of village administrators who have already been Gazetted for recruitment.
6. That being the case, this court finds that the appropriate court with jurisdiction is the Employment and Labour Relations Court (ELRC) pursuant to Section 12 of the [ELRC Act](#) as read with Articles 162 (2) (a) and 165 (5) (b) of the [Constitution](#).
7. Accordingly, I decline to handle the matter, down my tools and direct that this file be placed before ELRC Kisumu for consideration and further directions.
8. These directions to be typed urgently and parties be notified forthwith.



9. Mention before Employment and Labour Relation Court (ELRC) on 8th April 2024.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 3RD DAY OF APRIL, 2024

R. E. ABURILI

JUDGE

