**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CONSITUTIONAL AND HUMAN RIGHTS DIVISION**

**PETITION NO. 364 OF 2018**

**LENNOXIE NAFUMA LUSABE.....PETITIONER**

**VERSUS**

**CATHOLIC UNIVERSITY OF EASTERN AFRICA.....RESPONDENT**

**JUDGEMENT**

1. The Petitioner, Lennoxie Nafuma Lusabe, moved to court vide the notice of motion and petition dated 11th September, 2019 in which he alleges a violation of his rights following his suspension from the Law Faculty of the Respondent, Catholic University of East Africa, for three semesters. The crux of this matter as disclosed in the petition and the supporting affidavit is that the Petitioner who was a 1st year student at the Respondent University's Faculty of Law was sitting his second semester exam in December, 2018 when it emerged that two out of the three questions set in the Tort II paper were set outside the syllabus. The Petitioner and some of his classmates took up the matter with the University administration and they were informed that such an incident would not recur. They were also assured that moderation would be done in respect of the examination. The Petitioner claims this was not done as they failed the examination. They applied and they were allowed to re-sit the examination in April, 2019. He says that the results of the Administrative Law exam he sat in April, 2019 have not been released to him to date.

2. It is the Petitioner's case that even though the issue that arose in the December, 2018 examination had been amicably settled, on 27th March, 2019 a notice was put up asking him and a number of other students to meet with the Head of the Law Department before 1st April, 2019. The Petitioner avers that he was unaware of the meeting and did not attend. He later discovered that a Disciplinary Committee meeting was held on 5th April, 2019 and his case was deliberated upon in his absence. The Petitioner avers that through a letter dated 25th April, 2019 to the Dean of the Law Faculty he put forward his side of the story.

3. It is the Petitioner's case that he was therefore surprised when he received a letter dated 11th June, 2019 suspending him for three semesters. According to the Petitioner, in an attempt at reconciliation he sought an appointment with the Respondent's Vice-Chancellor and wrote a letter dated 2nd August, 2019 seeking for his suspension to be reviewed. The meeting did not take place and neither was the suspension reviewed.

4. It is the Petitioner's averment that he did not receive any information from the Respondent's Vice-Chancellor concerning the review of his suspension even after his advocate wrote a demand letter dated 8th September, 2019 to the Respondent.

5. It is therefore the Petitioner's case that the Respondent's actions have infringed his rights as protected by Articles 10, 27, 28, 43(1), 47 and 50 of the Constitution. He therefore seeks the following reliefs:-

i. **A declaration that the Petitioner's rights as stated in the Petition were violated.**

ii. **A declaration that the suspension of the Petitioner from the Respondent University was null and void *ab initio* and the Petitioner be re-admitted by the Respondent and continue with his studies.**

iii. **An order compelling the Respondent to release the Petitioner's results for the Administrative Law Examination that he sat for in April, 2019.**

iv. **Compensation for violation of the Petitioner's rights as guaranteed under the Constitution.**

v. **Costs and interests thereof of this Petition.**

vi. **Such further, other and consequential orders as this Honourable Court may deem fit to make.**

6. The Respondent, by way of grounds of opposition dated 16th September, 2019 argues that the Petitioner has failed to comply with the internal disciplinary requirements including appealing to the University Council. Further, that the application for conservatory orders is bad in law as it seeks to stop an act which has already occurred.

7. The Respondent further claims that the Petitioner could not return to classes as the school was midway through the semester, and he would not meet the standards set by the Commission for University Education as to the time needed for the successful completion of the course.

8. The Respondent also opposed the petition through a replying affidavit sworn by Peter Ng'eno on 17th October, 2019. Mr. Ng'eno deposes that the Petitioner and four other students were involved in examination malpractices contrary to the Student Handbook. It is averred that the Petitioner walked out of an examination protesting that he could not sit the paper as it had been set outside what had been covered by the internal examiner. Mr. Ng'eno avers that in the process of protesting the Petitioner and others caused a disturbance to the other students sitting the exam.

9. It is stated that the Head of Department had invited the Petitioner to appear before the Departmental Disciplinary Committee ("the Disciplinary Committee") on or before 1st April, 2019 but he refused to comply. Furthermore, the Respondent avers that the Petitioner by his letter dated 25th April, 2019 waived his right to appear before the Disciplinary Committee and committed to be bound by the decision made by the Disciplinary Committee.

10. The Respondent asserts that the Petitioner had the opportunity to appeal the decision to the Disciplinary Committee within seven days of the making of the decision but has never lodged any appeal. The Respondent claims that granting the orders would cause an administrative disaster as several students, who are dutifully serving their disciplinary sentences, were suspended over examination irregularities.

11. The Respondent further filed a response to the petition dated 18th October, 2019 in which it denied the contents of paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of the petition and put the Petitioner to strict proof thereof. The Respondent further states that the Petitioner and four others were involved in examination offences and malpractices contrary to sections 1.11, 3.1.10, 3.1.5, 3.1.18, 3.1.19 and 3.1.20 of the Student Handbook.

12. The Petitioner swore and filed an undated further affidavit in response to the Respondent's replying affidavit. He avers that through paragraph 3 of the replying affidavit and paragraph 4 of the response by the Respondent new charges have been introduced as opposed to the single charge which was indicated in the minutes of the meeting of the Disciplinary Committee and the letter of suspension dated 11th June, 2019.

13. The Petitioner further contends that the allegations in paragraph 4 of the replying affidavit and paragraph 5 of the response, are false and based on hearsay. Further, that the offence mentioned in those paragraphs was not one of the irregularities mentioned in the suspension letter. The Petitioner also asserts that the notice of invitation to him was an invitation to see the Head of Department of Public Law and not to appear before the Disciplinary Committee. The Petitioner deposes that he only became aware of the meeting from a colleague.

14. The Petitioner avers that as indicted in his letter dated 25th April, 2019 he was aware that he was to face disciplinary action from the Disciplinary Committee, however, he was not aware that the same had not taken place on 5th April, 2019. It is his case therefore that the waiving of his right was after the fact and inconsequential. He thus asserts that he was not given an opportunity to defend himself as he was not aware of the disciplinary hearing. He states that the Respondent has failed to submit any evidence in support of the claim that he was notified of the disciplinary meeting. Further, that he was discriminated against because he was suspended for three semesters whereas the other students were suspended for two semesters.

15. It is the Petitioner's averment that he was not made aware of the decision of the Disciplinary Committee and his right to appeal to the Faculty Disciplinary Committee ("the Appeals Committee"). The Petitioner deposes that he only received communication from the Respondent on two occasions being the notice to see the Head of Department of Public Law and the letter of suspension. He concludes that the disciplinary process was not procedural *ab initio* as he was not informed of the charges against him or given an opportunity to defend himself.

16. I have carefully considered the pleadings and submissions filed herein and the issues for determination are identified as follows:-

a. Whether the Court has jurisdiction to hear the matter;

b. Whether the Respondent infringed the Petitioner's constitutional rights and fundamental freedoms;

c. Whether the Petitioner is entitled to the prayers sought; and

d. Which party should meet the costs of the proceedings?

17. The Petitioner in his written submissions dated 7th November, 2019 asserts that the appeals process as laid down in Section 3.5 of the Student Handbook was not followed as the decision of the Disciplinary Committee was sent straight to the Senate rather than going through the Appeals Committee for review. The Petitioner additionally submits that the assertion that he did not exhaust the internal disciplinary mechanism is false as he attempted to meet with the Respondent's Vice Chancellor on a number of occasions to no avail and wrote a letter to him dated 2nd August, 2019 seeking a review of his suspension which was never responded to.

18. The Respondent in its written submissions dated 26th November, 2019 submits that this court cannot hear and determine this matter as the Petitioner has not pursued an appeal under the Respondent's appeals procedure as required by Section 9(2) & (3) of the Fair Administrative Action Act, 2015 ("FAAA"). The Respondent relies on the case of **Revital Healthcare (EPZ) Limited & another v Ministry of Health & 5 others [2015] eKLR** where the Court expounded on the doctrine of exhaustion.

19. The doctrine that requires a party to exhaust statutory remedies before resorting to the court process is clearly laid down in Section 9(2), (3) and (4) of the FAAA. Those provisions state:-

> **(2) The High Court or a subordinate court under subsection (1) shall not review an administrative action or decision under this Act unless the mechanisms including internal mechanisms for appeal or review and all remedies available under any other written law are first exhausted.**
>
> **(3) The High Court or a subordinate Court shall, if it is not satisfied that the remedies referred to in subsection (2) have been exhausted, direct that applicant shall first exhaust such remedy before instituting proceedings under sub-section (1).**
>
> **(4) Notwithstanding subsection (3), the High Court or a subordinate Court may, in exceptional circumstances and on application by the applicant, exempt such person from the obligation to exhaust any remedy if the court considers such exemption to be in the interest of justice.**

20. I have reviewed the evidence provided by both parties and it is apparent from the Petitioner's documents marked 'LLN6', 'LLN7A', and 'LLN8' that the Petitioner did indeed attempt to have his suspension reviewed by the Respondent's Vice-Chancellor on different occasions but to no avail. Furthermore, having reviewed the letter of suspension marked 'LLN5' it is apparent that the Respondent did not make known to the Petitioner the appeals process which was available to him. However, the Student Handbook provides for an appeal to the Appeals Committee against the decision of the Disciplinary Committee. The appeal is not to the Vice-Chancellor and the Petitioner is expected to have known this fact from the Student Handbook which every student is expected to have interacted with.

21. In the case of **Alnashir Popat & 8 others v Capital Markets Authority [2016] eKLR** the Court determined that:-

> **"[87] However, the provision of Section 9(3) above grants special jurisdiction to the High Court in the sense that the Court may in exceptional circumstances exempt a party from exhausting the alternative statutory remedy. In that context the Court of Appeal in the case of *Republic v National Environment Management Authority (2011) eKLR* held as follows;**
>
> ***"The principle running through these cases is where there was an alternative remedy and especially where Parliament had provided a statutory appeal procedure, it is only in exceptional circumstances that an order for judicial review would be granted, and that in determining whether an exceptional should be made and judicial review granted, it was necessary for the Court to look carefully at the suitability of the statutory appeal in the context of the particular case and ask itself what, in the context of the statutory powers, was the real issue to be determined and whether the statutory appeal procedure was suitable to determine it".***

22. Furthermore, in the case of **Leonard Otieno v Airtel Kenya Limited [2018] eKLR** it was held that:-

> **"35. The Petitioner has not demonstrated that he cannot get an effective remedy under the dispute resolution mechanism established under the statute. The attempt to clothe the alleged breaches with Article 46 rights is not good enough. There must be a clear demonstration that the alternative remedy is not available, not effective, and not sufficient to address the grievances in question. A remedy will be effective if it is objectively implemented, taking into account the relevant principles and values of administrative justice present in the Constitution and our law. The "deepest norms" of the Constitution should determine whether the dispute involves explicit constitutional adjudication, or whether it could safely be left to the statutory provisions. In this regard, I am persuaded beyond doubt that the adjudication of the issues complained herein can safely be left to the statutory provisions."**

23. From the above cases and the provisions of the FAAA, it can be gathered that where it is possible for a person to appeal or access redress through an alternative dispute resolution mechanism, it is required that every mechanism provided for resolving the dispute should be exhausted. If the person wishes to approach the court without exhausting the alternative mechanisms, he must prove that the remedy was either not made available to them or that it would not be sufficient to remedy the harm caused.

24. In my view, there exist special circumstances in this case to warrant the bypassing of the internal appellate process by the Petitioner. As shall be demonstrated in due course, the Petitioner was not aware of the disciplinary proceedings. The avenue for appeal had closed by the time he learned of his suspension in June, 2019. Indeed Peter Ng'eno avers at paragraph 9 of the replying affidavit that the Petitioner could appeal to the Appeals Committee within seven days from the date of the decision of the Disciplinary Committee. The avenue for appeal was therefore no longer available to the Petitioner. The mistake was not of his own making. The Respondent was squarely to blame and it cannot be allowed to urge the court to deny the Petitioner justice because of its shortcomings. I therefore find that in the interest of justice the court has jurisdiction to hear and determine this matter.

25. On the substance of the petition, the Petitioner submits that his rights under Articles 10, 47 and 50 were contravened as was not notified in sufficient time and detail of the Respondent's decision to conduct disciplinary proceedings. The Petitioner complains that he was only aware of the notice dated 27th March, 2019 as he received a 'WhatsApp' message from a fellow student. He argues that he should have been served with a notice individually. Further, that the notice should have included the reasons why he was being summoned, and that they should have been given more time to prepare their responses. The Petitioner supports his arguments by referring to the case of **Nkatha Joy Faridah Mbaabu v Kenyatta University [2016] eKLR**.

26. The Petitioner contends that the requirements of Section 3.4.2.2 of the Respondent's Student Handbook and Section 3 of the FAAA were not complied with as he was not informed in good time or detail of his summons to appear before the Disciplinary Committee so as to prepare his defense adequately. He was also not informed of the decision of the Disciplinary Committee and his right to appeal contrary to section 3.4.1.4 of the Student Handbook and Section 6 of the FAAA.

27. The Petitioner denies the Respondent's allegation that he was personally advised by the Head of Department of Public Law to make an appearance before the Disciplinary Committee and that he waived his right to appeal. The Petitioner states that according to his letter dated 25th April, 2019 he indicated that he was made aware of the need to appear before the Disciplinary Committee on 22nd April, 2019 yet the meeting had been held on 5th April, 2019. He therefore submits that his letter was overtaken by events.

28. The Respondent's reply is that it did all it could to inform the Petitioner of the charges against him and the need to attend the Disciplinary Committee proceedings and it cannot be held accountable for the Petitioner's failure to follow the rules provided in the Student Handbook and the appeals procedure therein. It is additionally contended that the Petitioner's right to a fair hearing was not infringed as he waived his right to appear and be heard. The Respondent insists that the impugned decision was arrived at in full compliance with sections 4, 5 and 5A of the FAAA and there was therefore no violation of Article 47 of the Constitution.

29. The Respondent further argues that the Petitioner's right to a fair hearing was not infringed as he had waived his right to appear before the disciplinary board. The Petitioner contends that the letter in which he waived his right to be heard was written after the fact and therefore cannot stand.

30. According to Section 4(3)(a) of the FAAA, any administrative action which is likely to adversely affect the rights or fundamental freedoms of any person should be preceded by **"prior and adequate notice of the nature and reasons for the proposed administrative action."**

31. From the above provision it is evident that a notice will only be considered adequate where it provides the reasons and nature of the proposed administrative action. Furthermore, in the case of **Sceneries Limited v National Land Commission [2017] eKLR**, Mativo J held that:-

> **"[…]What constitutes adequate notice will depend upon the complexity of the matter and whether an urgent decision is essential. In the present case, the Respondent states that they have an established procedure which they adopt, a procedure that involves publishing information in a local daily and even then only the Land Reference number is published. To me that does not constitute sufficient notice. I humbly beg to disagree with the mode of service employed by the Respondent. It does not in my view qualify to be "adequate notice" that complies with the principles of natural justice."**

32. Furthermore, in the case of **Kori Erick Ng'anga v University of Nairobi [2019] eKLR** the Court of Appeal determined that on the issue of notice that:-

> **"In instances where the outcome has the likelihood of resulting prejudice or injuries to an individual, it is incumbent or prudent, or reasonable to give the party adequate, sufficient and reasonable opportunity to defend or give his side of the story. Here is a case where the appellant was called to a disciplinary hearing without being given adequate and sufficient notice of what he intends to meet or expect at the hearing. It is clear that the appellant was never informed of the purpose and reasons as to why he was required to appear before the disciplinary committee. It may be argued that the appellant knew the reason but in order to show that the respondent complied with the principles of fair hearing as enshrined in Articles 47 and 50 of the Constitution, it was reasonably expected to be served with a proper notice containing the charges and informing him of the consequences of his non-attendance or even the eventual outcome of the process."**

33. It was further held that:-

> **"Equally it was the duty of the respondent to clearly explain in writing to the appellant, what was required of him at the hearing. The charges levied against the appellant were to be served prior to the hearing and at the hearing to be explained in a language he understands and the environment was also a factor. We are of the view that the disciplinary committee before which the appellant appeared is more or less a quasi-judicial body and though the procedure cannot be equated to criminal proceedings as submitted by the appellant, it is of fundamental importance that proper procedure is followed. The charges must be read and explained to the party/appellant. The party must be asked how he pleads to the charges facing him and he must be asked whether he is ready to proceed."**

34. Having perused the Petitioner's bundle of documents and particularly the exhibit labelled 'LLN3', which unfortunately is illegible, it is still evident that the Petitioner was not provided with reasons for the proposed action or the charges against him. The Respondent claims that they had done everything they could to notify the Petitioner of the proceedings but have failed to produce any evidence to support the claim besides relying on the evidence provided by the Petitioner which proves otherwise. As was determined in **Kori Erick Ng'anga** (supra) even though the Petitioner would have known the reasons for his summoning, the same should have still been provided to him in writing before his hearing.

35. Another issue with the notice of the disciplinary proceedings is the form through which it was conveyed. The notice was supposedly given through a publication on the notice board of the University rather than by a private letter to the Petitioner. The problem with publishing a notice to appear on a school notice board is that it cannot be guaranteed that all students will look at the notice board on a daily basis and even when they do, it may be after the fact, as was the case with the Petitioner. Given the urgency and severity of the matter, it would only have been appropriate to personally serve the Petitioner with a notice expressly informing him that he was being invited for disciplinary proceedings. An invitation to meet the head of department cannot by the remotest chance be equated to a summons for disciplinary proceedings.

36. The Respondent has failed to show that sufficient notice was given to the Petitioner, and that he was informed of the charges he was going to face at his 'trial'. The Respondent by relying on its replying affidavit which contains uncorroborated allegations, has not gone as far as it could have to prove the truth of those allegations. It therefore stands that the Petitioner's documentary evidence remains uncontroverted. I therefore concur with the Petitioner that the Respondent did not comply with the law on fair administrative action.

37. Furthermore, the Respondent has not sufficiently proven that proper notice was provided so as to nullify the Petitioner's argument that he did not attend the disciplinary hearing due to the insufficient notice provided by the Respondent. It stands that the Petitioner could not have been reasonably expected to have a notice of his disciplinary hearing posted on a public notice board as the urgency of the same would dictate that the notice be served on him in person or sent to the address he had provided to the Respondent.

38. I have perused the evidence by the Petitioner and Respondent and determined that the disciplinary meeting and the Senate meeting were held on 5th April, 2019 and 7th April, 2019 respectively. The Petitioner was made aware on 22nd April, 2019 that he was to face the Disciplinary Committee. The Petitioner's waiver letter dated 25th April, 2019 was clearly a response to the information provided to him by the Head of Department of Public Law. This was two weeks after his case was heard.

39. The Respondent does not deny that the Petitioner was encouraged to appear before the Disciplinary Committee but fail to clarify or even deny that the nudging was done two weeks after the fact. At the end of the day, it was the Respondent's responsibility to abide by the provisions of the Constitution and the FAAA when making the impugned administrative decision. I am convinced that the Petitioner was not made aware that the said disciplinary hearing was to take place at the time that it did. It follows that he was not accorded an opportunity to prepare his defence. Furthermore, I am convinced that the Petitioner wrote the waiver letter without knowing that a hearing had taken place and therefore his waiver was not in reference to the Disciplinary Committee meeting which was already held but rather the one which he believed was yet to be held.

40. I therefore find that the Petitioner's rights to fair administrative action which includes the right to a fair hearing was infringed by the Respondent.

41. The Petitioner submits that he was discriminated against as he was not given an opportunity to defend himself and was subjected to a different punishment than the other students. The Petitioner argues that had he been notified of his appearance before the Committee in good time he would have appeared and therefore received a lesser sanction.

42. The Respondent contends that the Petitioner cannot claim that he was subjected to discrimination as he waived his right to a hearing, and the Respondent considered the mitigation of those who chose to attend the proceedings and that explains why they received a lesser punishment.

43. As I have determined above, the waiver of the Petitioner was not in reference to the disciplinary hearing which had taken place without his knowledge. He wrote the waiver in anticipation of a hearing which he believed was yet to happen. It is noted from the Senate Disciplinary Committee Report dated 7th June, 2019 that three other students had not attended the disciplinary hearings and therefore is it not so far-fetched to conclude that the Petitioner was not aware of the hearing. The Respondent had the responsibility of ensuring that all students were aware of the hearing of their cases by providing them with proper notices, and giving the students every opportunity to appear before the Disciplinary Committee.

44. The Petitioner was therefore given a harsher punishment for non-attendance which was not due to a fault on his part but rather the Respondent's fault and a clear bias against him as even without appearing at the hearing it was determined that he "did not show remorse" as stated in excerpt of the Senate Report. It cannot also be determined from the Respondent's pleadings and exhibits why the other students who did not attend the disciplinary proceedings were given shorter suspension periods compared to that given to the Petitioner. It therefore follows that the Petitioner's right to freedom from discrimination was infringed.

45. On the violation of his right under Article 43(f) of the Constitution, the Petitioner claims that his suspension violated his right to education. Further, that the result of his Administrative Law exam has not been released to him.

46. The Respondent contends that the Petitioner's rights were not violated because he neglected to attend the hearing unlike the other students. It is further asserted that the Petitioner waived his right to appear before the Disciplinary Committee and committed to be bound by its decision.

47. By virtue of my decision above on the violation of the Petitioner's rights to fair administrative action and freedom from discrimination, it follows that any action taken following such infringement of rights would be unfair and unlawful. By suspending the Petitioner without giving him a proper hearing and opportunity to defend himself, the Respondent infringed upon his right to education. The right to education can only be interfered with on legitimate grounds. The unconstitutional and unlawful suspension of the Petitioner cannot amount to legitimate reason for violating his right to education.

48. The Petitioner submits that he is entitled to the reliefs sought as he has demonstrated how the Respondent is guilty of procedural impropriety as was decided in the case of **Republic v Kenyatta University Ex-Parte Njoroge Humphrey Mbuthi [2015] eKLR**. On the issue of compensation the Petitioner relies on the case of **Onjira John Anyul v University of Nairobi [2019] eKLR** where the Petitioner was awarded Kshs. 1 million for the violation of his rights due to his suspension from university.

49. The Respondent asserts that the Petitioner has not convincingly demonstrated how the Respondent violated his rights and is therefore not entitled to the prayers sought.

50. From my above analysis I have found that the Petitioner has properly and convincingly demonstrated that his rights were violated and therefore I find that he is entitled to the reliefs sought. In accordance with Article 23 of the Constitution, the Petitioner is entitled to the

reliefs including a declaration of his rights, an injunction, and an order of compensation.

51. On the matter of compensation the Petitioner relied on the case of **Onjira John Anyul v University of Nairobi [2019] eKLR** where the Court in determining the appropriate compensation stated that:-

> **"53. In the instant case, I note that the petitioner has been out of college since 8th March 2016 when he was first suspended pending the hearing of his disciplinary case. He was subsequently expelled from the university following the hearing by the disciplinary committee before the expulsion on 18th May 2016 converted to a 3 year suspension. It therefore goes without saying that the petitioner's peers and classmates have in the meantime proceeded with their studies as the petitioner stares into an uncertain future as a result of being subjected to a disciplinary process that does not stand the constitutional validity test. It is therefore my finding that the petitioner has undergone untold suffering and anxiety following his suspension from the respondent university for which he is entitled to be compensation in damages. Even though the parties did not make any submissions on the amount payable in damages this court is of the view that an award in the sum of Kshs 1,000,000/- will be adequate compensation for the violation of the petitioner's rights."**

52. In the cited case the court granted compensation in order to redress the suffering of the petitioner in being unable to complete his studies with his peers and to compensate him for the anxiety and suffering caused for being subjected to a disciplinary process which was not in line with the Constitution and the FAAA.

53. In my view, declarations are normally sufficient in matters involving educational institutions and their students. In the case at hand, however, the Petitioner has lost one year of studies for reasons that he was not to blame for. He therefore needs to be compensated. I will not make an order directing the Respondent to pay him some money. I will instead direct the Respondent to pay the Petitioner's fees for an academic year. That, in my view is sufficient redress in this case.

54. As regards the question of costs, I hold that the costs should follow the event. In the circumstances the Petitioner shall have costs of the proceedings from the Respondent.

55. In light of the above analysis and determination, I enter judgment in favour of the Petitioner as follows:-

i. A declaration is hereby issued that the Petitioner's rights under Articles 27, 43(1)(f) and 47 of the Constitution were violated by the Respondent;

ii. A declaration is hereby issued that the suspension of the Petitioner from the Respondent University was null and void ab initio and an order is issued directing the Respondent to readmit him forthwith so that he can continue with his studies;

iii. The Respondent is ordered to release the Petitioner's results for the Administrative Law Examination that he sat for in April, 2019;

iv. The Respondent shall pay the Petitioner's tuition fees for one academic year; and

v. The costs of the proceedings are awarded to the Petitioner.

**Dated, signed and delivered at Nairobi this 3rd day of April, 2020**

**W. Korir,**

**Judge of the High Court**