



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CONSTITUTION AND HUMAN RIGHTS DIVISION
PETITION NO.18 OF 2015

**IN THE MATTER OF ARTICLES 3(1), 22, 23(3), 43(F), 47(1) and 53(2) OF THE
CONSTITUTION OF KENYA, 2010**

AND

IN THE MATTER OF SECTION 28 AND 35 OF THE BASIC EDUCATION ACT, 2013

BETWEEN

E.K. (A child suing through his Father and next friend E.K.K.).....1ST PETITIONER

C.S.C. (A child suing through his Mother and next friend E.M.S.)....2ND PETITIONER

E.E.K.(A child suing through his Mother and next friend R.P.....3RD PETITIONER

M.L. (A child suing through his Mother and next friend N.C.T.).....4TH PETITIONER

L.K.C. (A child suing through his Mother and next friend R.K.....5TH PETITIONER

A.M. (A child suing through his Mother and next friend R.P.....6TH PETITIONER

VERSUS

THE REGISTERED TRUSTEES OF S.H.S.....RESPONDENT

JUDGMENT

I have decided to deliver this judgment “*extempore*” on this day 5/5/2015 due to the sentiments expressed by counsel for the Petitioners, that the petitioners are forth formers and candidates for K.C.S.E. this year and the schools are scheduled to re-open today.

The full and reasoned judgment will be delivered on the 15th May, 2015.

DETERMINATION

1. The Petition is hereby allowed and the declaration order sought in terms of prayer (1) hereon is hereby granted.

2. The Petitioners Nos.1 (EKK), No.2 (EMS), No.3(RP), No.4 (NCT) and No.6 (AWM) be and are hereby re-admitted to the Respondent school forthwith.
3. The Petitioner No.5 (LKC) be and is hereby awarded compensation in the sum of Kshs.150,000/= as she was already been enrolled and registered for her exams in another school.
4. Each party shall bear its/their own costs.
5. Parties at liberty to apply to court for further orders.

Orders accordingly.

Dated, Signed and Delivered at Nakuru this 5th day of May, 2015.

A. MSHILA

JUDGE