



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. 342 OF 2013

BETWEEN

OKIYA OMTATAH OKOITI PETITIONER

AND

ATTORNEY GENERAL 1ST RESPONDENT

THE SECRETARY OF THE

TEACHERS SERVICE COMMISSION 2ND RESPONDENT

PRINCIPAL SECRETARY FOR

EDUCATION 3RD RESPONDENT

SECRETARY TO THE CABINET 4TH RESPONDENT

RULING

The issue of the constitution of the Teachers Service Commission has been dealt with by my judgment in *Petition No. 334 of 2013* where the Court has given a decision which will guide the appointment of the Chairperson and members of the Commission. The decision will now be implemented and the effect of prayer No. (iv) and (vi) of the petition dated 1st July 2013 will be to nullify that decision as that decision which seeks to give effect to the provisions of **Article 249** of the Constitution.

Accordingly prayers (iv) and (vi) of the Petition dated 1st July 2013 are hereby struck out.

DATED and DELIVERED at NAIROBI this 8th July 2013

D.S. MAJANJA

JUDGE

FURTHER ORDER: The petition is marked as withdrawn with no orders as to costs.

DATED and **DELIVERED** at **NAIROBI** this 8th July 2013

D.S. MAJANJA

JUDGE

Mr Nguring'a instructed by Ishmael and Company Advocates for the petitioner.

Mr Kaumba, Litigation Counsel, instructed by the State Law Office, for the respondents.

Mr A. Sitima instructed by the Teachers Service Commission.