

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JUDICIAL MISC REVIEW APPLICATION NO. E409 OF 2025

OSCAR KAMBONA.....APPLICANT

VERSUS

CABINET SECRETARY MINISTRY OF HEALTH.....1ST RESPONDENT

ATTORNEY GENERAL.....2ND RESPONDENT

AND

PROFESSOR GORDON NGUKA.....1ST INTERESTED PARTY

SYLVESTER NDARI.....2ND INTERESTED PARTY

DR. PATRICIA MBOGO.....3RD INTERESTED PARTY

BANICE KENDI MUGO.....4TH INTERESTED PARTY

JUDITH ADHIAMBO KOBE.....5TH INTERESTED PARTY

KENYA NUTRITIONISTS & DIETICIANS
INSTITUTE.....6TH INTERESTED PARTY

RULING

1. The chamber summons dated 11/12/2025 is filed under certificate of urgency. The applicant seeks leave of court to apply for Judicial Review orders of mandamus, prohibition and certiorari as well as Declaration challenging and or seeking to compel the Respondents to forthwith gazette and appoint council members of the 6th Interested Party in accordance with **Section 5 of Cap 253B Laws of Kenya**; to prohibit the Respondents from delaying the process of such appointment and to quash the gazette notice or decision purporting to unlawfully extend, suspend or interfere with the expiry of the term of the council contrary to the law; and a declaration that the failure by the Respondents to gazette council

members of the 6th Interested Party violates Article 10 of the Constitution, **Article 35, 47 and 43(1)(a) of the Constitution.**

2. I note that the term of the Council members which is alleged to have expired, expired on 15/7/2025 and 28/7/2025 respectively via Gazette notices **Nos. 8265 and 8817** respectively. I therefore find no urgency involved. I decline to certify the application as urgent.
3. On the merits of the orders for leave sought, there are allegation of the term of the council members having expired in July 2025 and as to whether that is true, or not, is an arguable issue to be canvassed at the substantive stage.
4. I am satisfied that the applicant has established an arguable case and that the intended application is not frivolous or hopeless. I therefore grant the applicant leave to institute Judicial Review proceedings as sought in prayer numbers 2,3,4 and 5 of the chamber summonses dated 11/12/2025.
5. The substantive motion to be filed and served within 21 days of today. This file is being one for leave to institute substantive proceedings, the substantive motion to be filed in a fresh Judicial Review file.
6. I make no orders as to costs.
7. This file is closed.

Dated, Signed and Delivered at Nairobi this 17th Day of December, 2025

**R.E. ABURILI
JUDGE**

ORIGINAL