



**Bett & 5 others v Principal Secretary, Ministry of Education & 2 others; Board of Management, Aldai Boys High School & 2 others (Interested Parties) (Judicial Review 424 of 2025) [2025] KEHC 18986 (KLR) (Judicial Review) (24 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18986 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW 424 OF 2025  
RE ABURILI, J  
DECEMBER 24, 2025**

**BETWEEN**

**ELIUD BETT ..... 1<sup>ST</sup> APPLICANT  
EZEKIEL CHERUIYOT ..... 2<sup>ND</sup> APPLICANT  
MOSES KEMEI ..... 3<sup>RD</sup> APPLICANT  
SAMMY C MURREY ..... 4<sup>TH</sup> APPLICANT  
VIOLET JEPKOSGEY ..... 5<sup>TH</sup> APPLICANT  
NORAH JEPCHOGE ..... 6<sup>TH</sup> APPLICANT**

**AND**

**PRINCIPAL SECRETARY, MINISTRY OF EDUCATION ..... 1<sup>ST</sup> RESPONDENT  
COUNTY EDUCATION BOARD, NANDI COUNTY ..... 2<sup>ND</sup> RESPONDENT  
THE HON. ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**BOARD OF MANAGEMENT, ALDAI BOYS HIGH SCHOOL .... INTERESTED PARTY  
BOARD OF MANAGEMENT, RESSIO PRIMARY SCHOOL  
ALDAI ..... INTERESTED PARTY  
HON. MARIANNE KITANY MEMBER OF NATIONAL ASSEMBLY,  
ALDAI ..... INTERESTED PARTY**



## RULING

1. I have perused the chamber summons dated 22nd December 2025 brought under the High Court Recess Rules. The chamber Summons under certificate of urgency, seeks leave of this Court to hear the applicants in the Chamber Summons and Originating Motion dated 22nd December, 2025 under certificate of urgency. I certify the Chamber Summons as urgent and grant leave to the applicants to have their Chamber Summons and Originating Motion dated 22nd December, 2025, respectively, to be considered during this recess period.
2. I however note that the applicants have approached the Court under the Fair Administrative Action Rules, 2024 which operationalizes the *Fair Administrative Action Act*, 2015. Under section 8 of the Act, the Originating Motion once filed must be heard and determined within 90 days of the date of filing failing which the decision becomes "Mcfof", null and void.
3. That being the case, and as this Court is the only duty Court during the recess and from 1st December, 2025 to 31st January 2026, with other urgent caseload, it is not practically possible to consider this matter piecemeal.
4. I have perused the Originating Motion and the application seeking stay of implementation of the decision of the respondents communicated on 18th September, 2025, which stay was initially granted by Chigiti J SC, in the matter which was due to lapse today 24th December, 2025 being, JR MISC E119 OF 2025 and E334 of 2025 and so, it was withdrawn on 22nd December, 2025 owing partly to the controversy surrounding the filing of the said application, with the 1st applicant deponent in the said application claiming that he never consented to his name being used to file the suit and that he never swore any affidavit in support of the Originating Motion in the said withdrawn matter.
5. The applicants herein have therefore filed a fresh suit challenging the decision of the respondents made on 18th September, 2025 to relocate two schools namely Aldai Boys High School and Ressio Primary School, Aldai to other nearby Schools in order for the premises occupied by the two Schools to be converted into an established Kaimosi University Campus.
6. From the Affidavit of Eliud Bett, he is a parent of the schools in question and so are the other three applicants who are suing in their own rights as parents of in those two Schools.
7. I note that the two Schools are public Schools and that there are other hundreds of students undertaking their studies in the said schools. Additionally, children from all communities in Kenya can access education offered in those schools. This in my view is a matter of public interest and it calls for inter partes consideration of the issues raised by the applicants but not exparte in the first instance.
8. These being time bound proceedings, meaning they have to be determined in 90 days, it is only fair and just that the respondents and interested parties be accorded the opportunity to be heard in reply.
9. As earlier stated, hearing the applications piecemeal will consume the limited time provided by statute within which the Originating Motion application has to be heard and determined.
10. For the above reasons, I make the following orders:
  - a. That this court declines to grant any exparte interim stay or conservatory orders staying the decision of the respondents communicated vide letter dated 18th September, 2025



- b. That the Originating Motion application be served upon the respondents and interested parties forthwith and by close of business today 24th December, 2025.
- c. That upon such service, the respondents and interested parties shall, within seven days of service, inclusive of the period 21st December, 2025 and 13th January 2026 file and serve their responses to the main originating motion.
- d. That the applicants shall upon being served, have seven days within which to file and serve their further affidavit together with written submissions.
- e. That the respondents shall file and serve their supplementary affidavit if any together with written submissions within 7 days of being served in order d above.
- f. That this matter shall be mentioned on 20th January, 2026 for fixing of a judgment date.
- g. I so order.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 24TH DAY OF DECEMBER, 2025**

**R.E. ABURILI**

**JUDGE.**

