



IMM (Suing as the Next Friend and Mother of VZ) v Board of Management, St Stephen's Lwanya Girls' Secondary School & 2 others (Constitutional Petition E003 of 2025) [2025] KEHC 19170 (KLR) (22 December 2025) (Judgment)

Neutral citation: [2025] KEHC 19170 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CONSTITUTIONAL PETITION E003 OF 2025
WM MUSYOKA, J
DECEMBER 22, 2025**

BETWEEN

IMM (SUING AS THE NEXT FRIEND AND MOTHER OF VZ) PETITIONER

AND

THE BOARD OF MANAGEMENT, ST STEPHEN'S LWANYA GIRLS' SECONDARY SCHOOL 1ST RESPONDENT

THE PRINCIPAL, ST STEPHEN'S LWANYA GIRLS' SECONDARY SCHOOL 2ND RESPONDENT

THE HON ATTORNEY GENERAL 3RD RESPONDENT

JUDGMENT

1. The petitioner moved this court by a petition, dated 23rd July 2025. She complains that her daughter has been expelled from school by the respondents, which action has violated her daughter's constitutional rights. She seeks declarations around that, and a mandamus order to compel her re-admission to the school.
2. The respondents have reacted, to the petition, vide an affidavit, sworn by the Secretary of the 1st respondent. She avers that the petition has since been overtaken by events, as the petitioner's daughter has since been re-admitted, hence the substratum of the petition has been lost.
3. It was directed, on 18th September 2025, that the petition be canvassed by way of written submissions. Both sides have filed their respective written submissions, which I have read, and noted the arguments made.
4. The main plank of the petition herein is the alleged expulsion of the petitioner's daughter. The petitioner has not presented documentary evidence of the alleged expulsion. However, I have seen



material, from the respondents, on a decision to re-admit her to the school. That would suggest that disciplinary action of some sort, either suspension or expulsion, had been meted out. That action was cancelled by the Board decision, of 23rd July 2025, to re-admit her, as she was a candidate, ostensibly to enable her sit for her national exit examinations.

5. The petitioner has contested that, arguing that her daughter was re-admitted, upon the Motion, dated 23rd July 2025, being compromised, on 30th July 2025. The proposal to concede to that Motion, came from the respondents, and it would appear to align to the Board resolutions of the 1st respondent, of 23rd July 2025.
6. As the petition was anchored on the expulsion of the petitioner's daughter, and was intended to obtain her re-admission, and as the said child was re-admitted to School, I would agree with the respondents, that the petition was overtaken by events. It would be academic to determine it. Consequently, I shall mark it as settled, and I shall not grant the orders sought in it. Each party shall bear its own costs. Orders accordingly.

DELIVERED VIA EMAIL, AND DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 22ND DAY OF DECEMBER 2025.

W. MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Ms. Yator, instructed by Kariuki E & Company, Advocates for the petitioner.

Mr. Tarus, instructed by the Attorney-General, for the respondents.

