



Kenya National Examinations Council v SA (Suing on Behalf of Candidate 36600002022 (Minor); Lugulu Girls High School & another (Interested Parties) (Civil Appeal E087 of 2025) [2025] KEHC 19199 (KLR) (Civ) (15 December 2025) (Ruling)

Neutral citation: [2025] KEHC 19199 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL E087 OF 2025

REA OUGO, J

DECEMBER 15, 2025

BETWEEN

KENYA NATIONAL EXAMINATIONS COUNCIL APPLICANT

AND

SA (SUING ON BEHALF OF CANDIDATE 36600002022 (MINOR) RESPONDENT

AND

LUGULU GIRLS HIGH SCHOOL INTERESTED PARTY

COUNTY DIRECTOR OF EDUCATION, BUNGOMA COUNTY MINISTRY OF EDUCATION INTERESTED PARTY

(Being an appeal from the judgment of the National Examinations Appeals Tribunal (Hon. DR. Kenneth Wayne Mutuma, Hon. Mary Lomojo, Hon. Virginia Wabome, Hon. Fred Oanda) delivered on 28th March 2025 at Nairobi in TRENAT NO. E002 OF 2025)

RULING

1. I have heard the parties orally in court on the applicant’s application seeking an extension of the interim stay orders granted by this court earlier in the matter.
2. Granting an order of stay of execution is within the court’s discretion. Having listened to the advocates, it is apparent that the applicant moved to the High Court to seek a stay of execution after the Respondents filed their application for compliance with the tribunal order, which is now the subject of contempt proceedings before J. Sifuna. In my view, the order of stay sought will affect the proceedings



before J. Sifuna, as those contempt proceedings relate to the same matter that is before this court on appeal.

3. As stated by the Respondent's counsel, the applicant sought to have the matter moved to this court on appeal at the time they were served with the application for compliance with the tribunal order.
4. I find no merit in the application. As stated, an order of stay is a matter within the court's discretion. Having considered all submissions before me, I decline to grant any order sought in the application dated 4.12.2025. The parties will await the court's ruling on 17.12.2025. Costs shall be in the cause.

DATED, SIGNED AND DELIVERED AT BUNGOMA THIS 15TH DAY OF DECEMBER 2025.

R.E. OUGO

JUDGE

In the presence of:

Counsels for the parties present in court today. Wilkister -C/A

