



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYANDARUA
CONSTITUTIONAL PETITION NO. E003 OF 2025

BETWEEN

REV. GEOFFREY KENNETH MUMIRA.....PETITIONER/APPLICANT

VERSUS

CLERK OF NYANDARUA PRESBYTERY,

THE PRESBYTERIAN CHURCH OF EAST AFRICA (PCEA).....1ST RESPONDENT

REV. GLADYS WANGUI KAMAU

*(SUED AS THE MODERATOR OF NYANDARUA PRESBYTERY OF THE PRESBYTERIAN
CHURCH OF EAST AFRICA (PCEA)2ND RESPONDENT*

REV. DR. ROBERT NGUGI WAIHENYA

*(SUED AS THE PRINCIPAL CLERK OF THE GENERAL ASSEMBLY,
SECRETARY OF THE BUSINESS COMMITTEE,*

*AND THE SECRETARY GENERAL OF THE PRESBYTERY OF THE PRESBYTERIAN
CHURCH OF EAST AFRICA (PCEA).....3RD RESPONDENT*

RT. REV. PATRICK THEGU MUTAHI

*(SUED AS THE MODERATOR OF THE GENERAL ASSEMBLY,
CHAIRMAN OF THE BUSINESS COMMITTEE, AND THE CHAIRMAN OF THE
APPOINTMENTS COMMITTEE OF THE PRESBYTERY OF THE PRESBYTERIAN CHURCH
OF EAST AFRICA (PCEA)..... 4TH RESPONDENT*

RULING

1. The petitioner/applicant herein moved the court by Notice of Motion dated 30 July 2025.

This application was made under Order 40 Rule 4, Order 51 Rule 1 of the Civil Procedure Rules, and Articles 165(3) (b), (d) (ii) & (e) and 258 (1) of the Constitution of Kenya. The applicant seeks the following orders:

- a) This application be certified as extremely urgent and service thereof be dispensed with, and the same be heard *ex parte* in the first instance. [Spent]

- b) That pending the *inter partes* hearing and determination of this application, this honourable court be pleased to issue a temporary conservatory order prohibiting the respondents and PCEA Nyandarua Presbytery from implementing the two (2) decisions contained in the notice dated 29th April, 2025 for the compulsory leave and/or dismissal of the applicant as Moderator and Minister of word and Sacrament of PCEA Nyandarua, Presbytery; and the notice dated 14th July 2025 for the deposition of the applicant from the office of minister of work and Sacrament of PCEA Nyandarua Presbytery.
 - c) Pending the inter-parties hearing and determination of this application, this honourable court be pleased to issue an order directing the respondents and PCEA Nyandarua Presbytery to reinstate the applicant to his position of Moderator of PCEA Nyandarua Presbytery, Minister of Word and Sacrament of PCEA Nyandarua Presbytery and Member of PCEA Business Committee.
 - d) Pending the hearing and determination of the petition, this honourable court be pleased to issue a temporary conservatory order prohibiting the respondent and PCEA Nyandarua Presbytery from implementing the two (2) decisions contained in the notice dated 29th April, 2025 for the compulsory leave and/or dismissal of the applicant as Moderator and Minister of Word and Sacrament of PCEA Nyandarua Presbytery; and the notice dated 14th July 2025 for the deposition of the applicant from the office of Minister of Word and Sacrament of PCEA Nyandarua Presbytery.
 - e) Pending the hearing and determination of the petition, this honourable court be pleased to order the respondents to reinstate the applicant to his position of Moderator of PCEA Nyandarua Presbytery, Minister of Word and Sacrament of PCEA Nyandarua Presbytery, and Member of PCEA Business Committee.
 - f) Costs of this application to abide by the outcome of the Petition.
2. The application was premised on the following grounds:
- a) At all material times to this petition, the applicant was an ordained Minister of Word and Sacrament at the New Njabini Parish of the Presbyterian Church of East Africa (PCEA) within PCEA Nyandarua presbytery (hereinafter referred to as the “Presbytery”), the Presbytery’s Moderator, and a Member of PCEA Business Committee.

- b) On 29th April, 2025, the 1st respondent, by order of the Presbytery, issued the petitioner with a notice dated 29th April 2025 for his immediate compulsory leave and/or dismissal from all his PCEA positions.
- c) The Presbytery failed to issue the petitioner with any prior notice of any charges, accusations, or allegations against him, leading up to the compulsory leave/dismissal decision and the notice date 29th April 2025.
- d) Thereafter, on 16th June 2025, the 1st respondent and the Presbytery forced or coerced the petitioner to resign as a member of PCEA Business Committee by inter alia alleging that the petitioner had violated certain presbytery resolutions, which were undisclosed and unknown to him, and by summoning him to appear before the Presbytery to intimidate him.
- e) On 26th June 2025, the 1st respondent, by order of the Presbytery, issued the petitioner with a letter dated 26th June 2025 titled “Commission Findings and Show Cause Notice” (hereinafter referred to as the ‘Show Cause Notice’). The show cause notice alleged that the Presbytery had previously met to deliberate on Commission's certain findings regarding the petitioner and requiring him to respond and to show cause why future disciplinary action should not be taken against him.
- f) Subsequently, the petitioner wrote a letter dated 27th June 2025 to the 3rd Respondent and copied to the other respondents, notifying him about the show cause notice and complaining about the presbytery’s actions and the contemplated disciplinary action against him. Additionally, the petitioner informed the respondents that he had not seen the cited commission report, and that he had no opportunity to give his explanation to the Presbytery and the Commission before the adoption of the Commission report. In the same letter, the petitioner sought the 3rd respondent’s advice and guidance on the resolution of the matter in accordance with PCEA’s Constitution.
- g) The petitioner also wrote another letter dated 2nd July 2025 to the 3rd respondent and copied to the other respondents, informing him that his resignation from the Business Committee was not voluntary and complaining about the contemplated deposition proceedings against him by the Presbytery. The petitioner also sought guidance on whether the Presbytery’s actions were proper or justified.
- h) However, the 3rd respondent failed to respond to the petitioner’s two letters aforesaid.

- i) Following the failure of the 3rd respondent's response, the petitioner responded to the show cause notice through his letter dated 4th July 2025 to the Presbytery.
- j) Before the two (2) decisions were made, being the compulsory leave/dismissal decision of 29th April, 2025 and the deposition decision of 14th July 2025, the respondents and/or the Presbytery failed to provide the petitioner with any opportunity to be heard.
- k) Further, before the two Presbytery decisions were made, the presbytery failed to conduct a trial of the Petitioner's case before the court of trial of five (5) persons as required by Article 14.45 of the PCEA Constitution.
- l) The Presbytery not only violated PCEA's Constitution during the disciplinary process, but they also violated Article 25(c) of the Constitution of Kenya, which states that the right to a fair trial shall not be limited.
- m) The respondents and the Presbytery denied the applicant the opportunity to attend any of the Presbytery court proceedings mentioned in the notice dated 29th April 2025 and 14th July 2025, where the compulsory leave/dismissal and deposition decisions were allegedly made.
- n) The Commission cited in the Presbytery Notice to Show Cause never allowed him to be heard, and the respondents failed to provide him with the alleged commission report.
- o) The respondents and the Presbytery failed to provide the applicant with Presbytery minutes, correspondence and records relating to the accusation against him and the disciplinary proceedings, despite his letter dated 4th July 2025, and despite his advocate's letter dated 27th July 2025.
- p) The refusal by the respondents and the presbytery to provide the required information for the disciplinary proceedings herein is a violation of the petitioner's rights to access information under Article 35(1) (b) of the Constitution of Kenya.
- q) The petitioner has lost his three (3) positions in PCEA, his emoluments, and his livelihood through the impugned actions of the respondents and the Presbytery in contravention of the law and the Constitution of Kenya.

3. The respondent opposed the application on the following grounds:

- a) The current petition is, to say the least, misguided, incompetent, misconceived and untenable, for this honourable court lacks the jurisdiction to hear and determine the issues and concerns raised in the current petition.
- b) The respondents are completely non-suited, and as such, the petitioner does not have a cause of action against them.
- c) Article 5.7 of the Church Constitution provides that the authority to ordain a minister to office, exercise oversight upon him while in office, allow him to resign from office or depose him from office is vested in the Presbytery alone.
- d) Article 5.8 of the Church Constitution provides that the Minister retains his status only by the authority of the Presbytery.
- e) The current petition is thus a non-starter as it does not have proper parties as respondents, and as such, this honourable court should hold it as such and proceed to strike it out with costs.
- f) The petitioner's issues are personal in nature; the current suit does not raise any Constitutional issues that can be addressed through a petition.
- g) The current petition relates to the sour relationship between an employer and employee, and the Employment & Labour Court that is clothed with the requisite jurisdiction to determine issues touching on employment.
- h) Article 13.2 of the Church Constitution provides for the existence of three main courts, that is and in the order of hierarchy from the superior court, the General Assembly Court, the Presbytery Court and the Parish Court, and Article 13.5 of the Church Constitution goes further to state that each of the three courts have authority over those courts below it and may review and reverse the decisions of the lower courts.
- i) The aforesaid decisions were subject to appeal to the General Assembly by the aggrieved party, and as such it was open to the petitioner to pursue this avenue before filing the current petition, and by failing to give prominence and room to such an autonomous administrative process, the petitioner has abused the doctrine of exhaustion, and I urge the court to find as such and proceed to strike out the petition.
- j) The petitioner's resignation letter dated 16th June 2025 was of no legal effect as by the time he allegedly resigned, he had already been relieved of his position as a member of the Business Committee after he was sent on compulsory leave.

- k) The Presbytery court passed resolutions on the petitioner's agenda, and directed the Presbytery clerk to formally communicate to the petitioner, and that is how the petitioner ended up being served with the letter dated 29th April, 2025. (Annexed hereto and marked SNM/"8" is a copy of the letter dated 29th April, 2025).
- l) That by a letter dated 4th July 2024 (presumably meant to read 2025), the petitioner responded to the charges and the notice to show cause dated 6th June, 2025, and instead of responding to the charges, the petitioner made demands for documents, which he knew that the church's constitution did not allow the supply of the documents demanded.
- m) On 13th July 2025, the Nyandarua Presbytery court held its sitting to adjudicate on the petitioner's issue, and passed a resolution to depose the petitioner, and mandated its clerk to formally notify the petitioner of the decision of the court.
- n) Despite being aware of the meeting of 13th July 2025, the petitioner failed to attend, and the Presbytery court proceeded with its hearing after it was contended that the petitioner had the knowledge of the meeting through the Presbytery WhatsApp group wall, where he was a member, until 19th July 2025, when he was removed.
- o) Article 6.73 of the Church Constitution provides that if a Minister is accused of conduct inconsistent with his profession, and the presbytery on careful enquiry finds that there is case to answer, the minister is suspended from his ministerial duties while the presbytery court of discipline is considering his case, and if the minister is adjudged innocent, he resumes his duties, and if adjudged guilty he is deposed, and that there is no intermediate judgment.
- p) Article 14.9 of the Constitution provides that all members, elders and ministers, by declaring the acceptance of the Constitution, are deemed to have entered into a solemn undertaking to accept the church standards of conduct, and that when they offend the standard, they shall submit to any discipline which may be placed upon them by the appropriate church court.
- q) Under Article 5.9 of the Constitution, the vows that the petitioner took included his pledge to obedience in the Lord, to his Presbytery, and he must, during the whole of his ministry be subject to the oversight of the Presbytery, and if he is found by the Presbytery to be inconsistent with his profession, he is deposed by it from office.

4. The applicant's requested orders cannot be granted at this time. Addressing them now would result in the termination of this petition. These issues include a lack of jurisdiction and the doctrine of exhaustion, among others.
5. I find that the application lacks merit. It is dismissed. Costs will be determined by the outcome of the petition.

Delivered and signed at Nyandarua, this 3rd day of February 2026

**KIARIE WAWERU KIARIE
JUDGE**