

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

ELRC PETITION NO E023 OF 2026

IN THE MATTER OF: ARTICLES 1,2,10, 27, 28, 41, 43, 47, 55,162(2a), 232, 233, & 258 OF THE CONSTITUTION OF KENYA -and- IN THE MATTER OF: SECTIONS 2, 3, 4, 7, 8, AND 9 OF THE FAIR ADMINISTRATIVE ACTION ACT NO. 4 OF 2015

-AND-

IN THE MATTER OF: CONTRAVENTION OF THE ENGINEERING TECHNOLOGY ACT, 2016

-BETWEEN-

INSTITUTION OF ENGINEERING TECHNOLOGY OF KENYA.....PETITIONER/APPLICANT

=VERSUS=

KENYA RURAL ROADS AUTHORITY.....1ST RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

CORAM

Before Lady Justice J.W. Keli

C/A Otieno

RULING

1. The petitioner, a registered professional association of engineering technologists under the Societies Act, being aggrieved by the advertisements for jobs by the respondent and alleging discrimination in the requirements for the vacancies, filed a petition dated 19th January

2026 together with the application by way of Notice of Motion dated 19th January 2026 seeking for the following interlocutory orders

- a. Spent
- b. Spent
- c. THAT pending the hearing and determination of this Petition, this Honourable Court be pleased to issue a conservatory order directing the 1st Respondent to suspend the recruitment exercise in relation to the engineering job vacancies advertised by the 1st Respondent, in particular, vacancies for “Deputy Director Roads” (ref no. KeRRA/DDR/03/2025, “Assistant Director – Roads”, Grade 4 (ref no. KeRRA/ADR/11/2025), “Principal Engineer,” Grade 5 (ref no. KeRRA/PE/22/2025) “Senior Engineer,” Grade 6 (ref no. KeRRA/SE/32/2025) and “Engineer”, Grade 7 (ref no. KeRRA/E/47/2025).
- d. THAT this Court be pleased to issue such other orders as deemed fit;
- e. THAT costs of this Application to be provided for.

Grounds of the application

2. On 23rd December 2025, KeRRA published an advertisement for various vacancies in the local dailies and on their website. The same advertisement was re-published on 13th January 2026. In particular, KeRRA invited prospective applicants to apply for 87 available engineering job vacancies under the title of “Deputy Director Roads” (ref no. KeRRA/DDR/03/2025, “Assistant Director – Roads”, Grade 4 (ref no. KeRRA/ADR/11/2025), “Principal Engineer,” Grade 5 (ref no. KeRRA/PE/22/2025) “Senior Engineer,” Grade 6 (ref no. KeRRA/SE/32/2025) and “Engineer”, Grade 7 (ref no. KeRRA/E/47/2025).

3. The Job Description annexed thereto lists tasks which are specifically and perfectly aligned with the work that is expected to be performed by holders of Bachelor of Technology Engineering degrees as provided by section 2 of the Engineering Technology Act, 2016.
4. However, the said advert, under the job specification section, provided that prospective applicants had to be registered by the Engineers Board of Kenya (EBK).
5. The Applicant's concern is that it unfair and discriminatory for KeRRA to insist that job applicants must be registered by the Engineers Board of Kenya (EBK), when in fact its members who are Bachelor of Technology Engineering Graduates, and who qualify for these jobs, are accredited and registered with the Kenya Engineering Technologists Registration Board (hereinafter "KETRB") which is the statutory Board that registers and regulates the members of the Applicant.
6. Both EBK and KETRB are statutory bodies. EBK is created under CAP 530, while KETRB is established under CAP 530A.
7. For clarity, members of the Applicants used to be regulated by EBK until the year 2016, when the Engineering Technologists Act 2016 was enacted, thus establishing KETRB as the regulator of the members of the Applicant.
8. It is thus unfair, discriminatory, and unlawful for the 1st Respondent to insist that every applicant must be registered with EBK at the exclusion of KETRB, where members of the Applicant fall under.
9. Further, the career progression guidelines as published by the Public Service Commission provide that there shall be no separate job cadres for Bachelor of Science and Bachelor of Technology Engineers.

10. In the circumstances, via a letter dated 24th December, 2025, the Applicant wrote to KeRRA raising these concerns and giving it 7 (seven) days to recall its advertisement and issue a fresh/amended advertisement.
11. Further, via a demand letter dated 5th January 2026, the Applicant, through their Advocates, Wandeto Wachira Advocates, wrote a letter to KeRRA raising the concerns of the Applicant, demanding that KeRRA should address the complaints of the Applicant by introducing the alternative requirement that applicants for the vacancies herein listed have membership to KETRB. k. KeRRA responded via letters dated 5th January 2026 and 12th January 2026, in which they maintained that they had not contravened any constitutional or statutory provision and that the advertisement had fully complied with the applicable legal framework. They firmly indicated that they would proceed with the unlawful and discriminatory recruitment process against the applicants herein and even re-published the same advertisement on 13th January 2026.
12. It is in important to note that a similar discriminative recruitment process initiated by KeNHA (a sister roads board to KeRRA) was temporarily suspended by this Honourable Court in Milimani Commercial ELRCPET/E270/2025- Institution of Engineering Technology of Kenya -Versus- Kenya National Highways Authority and The Attorney General, which is a matter raising similar issues as the application herein, and as such it will be fair, just and jurisprudential for this Court to make similar orders under this matter.
13. All factors considered, and for the foregoing reasons, it would therefore be in the interest of justice that this Court be pleased to consider this Application herein with utmost urgency and to grant the orders sought therein.

14. The application was further supported by the affidavit of Bibiye Mahmoud Juma sworn on the 19th January 2026 where he annexed the documents relied on.
15. The application was opposed by replying affidavit of Eng. Jackson Magondu sworn on the 6th February 2026.
16. The application was canvassed by way of written submissions. Both parties complied.

DETERMINATION

17. The issue for determination is whether the petitioner's case disclosed a prima facie case of constitutional violation of Articles 10,27,41,43,47,55, and 232 of the Constitution as pleaded to merit conservatory orders.

The applicant's submissions

18. At this juncture, the main issue for determination is whether the conservatory orders prayed for should be granted pending the hearing and determination of the Petition. The Petitioner/Applicant has filed this suit on behalf of its members who hold degrees in Bachelor of Technology in Civil Engineering. In the case of Judicial Service Commission v Speaker of the National Assembly & another (Petition 518 of 2013) [2013] KEHC 911 (KLR) (Constitutional and Human Rights) (3 December 2013) (Ruling) Odunga J (as he then was) held that; "23 Conservatory orders in my view are not ordinary civil law remedies but are remedies provided for under the Constitution, the Supreme law of the land. They are not remedies between one individual as against another but are meant to keep the subject matter of the dispute in situ. Therefore, such remedies are remedies in rem as opposed to remedies in personam. In other words, they are remedies in respect of a particular state of affairs as

opposed to injunctive orders which may only attach to a particular person.” The issue that needs to be kept in situ herein is the recruitment exercise for the engineering job vacancies. Once the recruitment exercise is allowed to proceed, then the substratum of this case will cease to exist. We submit that the jobs advertised for are on a permanent and pensionable basis. If the recruitment process was allowed to proceed, and thereafter this honourable court decides the matter in favour of the Petitioner, no remedy can satisfy the loss suffered. The court cannot undo the permanent employment of those already recruited, and it would be impossible to compensate all the potential job applicants that are members of the Petitioner/Applicant. The balance favours the conservation of the subject matter pending the hearing of the Petition. We submit that the best-case scenario in this matter would be priority hearing following strict timelines of this honourable court. Indeed, this is the attitude that this court has so far adopted in this matter. We further submit that in granting a conservatory order, the main issue that should guide this court is whether there is an inherent merit in this case. It is quite clear that the several constitutional rights of the members Petitioner/Applicant are threaten and/or are being violated. There is no doubt that there exists a prima facie case. In *Munya v Kithinji & 2 others* (Application 5 of 2014) [2014] KESC 30 (KLR) (2 April 2014) (Ruling), the Supreme Court held that “86. “Conservatory orders” bear a more decided public-law connotation: for these are orders to facilitate ordered functioning within public agencies, as well as to uphold the adjudicatory authority of the Court, in the public interest.....Conservatory orders, consequently, should be granted on the inherent merit of a case, bearing in mind the public interest, the constitutional values, and the proportionate magnitudes, and priority levels attributable to the relevant causes.” Inherent constitutional issues have been raised in this matter. Article 10 and 27 of the Constitution of Kenya abhors discrimination. In addition, article 10 and 27 of the Constitution places the rule of law,

equality, and equal benefit of the law as national values and rights that must be adhered to. All these are been violated by the decision of the 1st Respondent to exclude the members of the Petitioner/Applicant vide a technicality. Further and with specific respect to employment into public service, article 232(1)(g) of the Constitution requires that the State ensure fair competition and merit as the basis of appointments and promotions, while article 232(1)(i) requires the state to provide adequate and equal opportunities for appointment, training, and advancement at all levels of public service of men and women, members of all ethnic groups.

19. The Petitioner/Applicant argues strongly that the 1st Respondent has violated the abovementioned articles of the constitution among others. We submit that the jobs advertised for are meant for members of the Petitioner/Applicant, and we raise four major arguments in support of this averment. FIRST, the basic academic qualification for all the jobs advertised is a “Bachelor’s Degree in Civil Engineering or its equivalent from a recognized institution.” We submit that there are two degree courses that lead to a degree in Civil Engineering in Kenya, and these are Bachelor of Science (Bsc) in Civil Engineering, or Bachelor of Technology (Btech) in Civil Engineering. Both courses are accredited by the Commission for University Education and are offered by recognised institutions in Kenya. We submit that if the 1st Respondent wanted to limit itself to members of EBK, then it would have been specific that they wanted graduates holding a Bachelor of Science in Civil Engineering and not a general “Bachelors” in Civil Engineering degree or its equivalent. We say this because EBK only admits Bsc Engineers and none other. (Of course we are only submitting this for arguments sake and not as a fact that we can support as this would still have been discriminatory) SECONDLY and perhaps most importantly, the functions to be performed by members of the Petitioner/Applicant are statutory, as they are outlined in the Engineering

Technology Act of 2016. Section 2 of the Act states that; "engineering technology" means part of the engineering profession in which knowledge of applied mathematical and natural science gained by higher education, experience and practice is devoted to application of engineering principles and the implementation of technology education for the professional focusing primarily on analysing, applying, implementing and improving existing technologies and is aimed at preparing graduates for the purpose of engineering technology practices closest to the product improvement, manufacturing and engineering operational functions.” Further to this, the 1st Respondent has in their Replying Affidavit dated 6th February 2026, specifically at paragraph 20 stated that “Engineering Technology focuses on applied and practical implementation of engineering principles, while Engineering focuses on theoretical, mathematical and scientific foundations.” Indeed, this was the finding of the Supreme Court in the Wanderi v EBK matter, Review Application No. 29 of 2019. Stemming from the Act and from the very averments of the 1st Respondent and the Supreme Court, it is not in issue that Bachelor of Science engineers deal with the theoretical aspects of engineering, while the Bachelor of technology engineers deal with practical aspects of engineering. We submit that going by the Job Descriptions for the jobs advertised for (see under annexure BJ-2 of the Applicant’s Supporting Affidavit), most of the work expected to be done is practical and not theoretical. The terms used in the Statute like analysing, implementing and other practical adverbs are repeated in those job descriptions. Indeed, if it was a must that the 1st Respondent engaged in exclusion, then it is the theoretical members of EBK who should have been excluded and not the practical members of the Petitioner/Applicant and KETRB. THIRDLY, we note that the 1st Respondent has relied on the Career Progression Guidelines which the Petitioner/Applicant has also relied upon. The Career Progression Guidelines (hereinafter “CPG”) for Engineering Technologists as availed by the 1st Respondent, provides at clause

1.5 that; “...however, these career guidelines do not constitute authority for upgrading or creation of post(s). Any additional posts required in the grading structures must be included in the ministries/state departments establishment proposals for consideration and approval by the public Service Commission.” Further, the next clause, that is clause 1.6 of the CPG provides that; “Direct Appointment will normally be made in the grade of Engineer CSG 11” A clear reading of these two clauses indicates that a body like the 1st Respondent must employ/promote the Engineering Technology Graduates within the structures that are already existing, and any such new structures can only be created with the approval of PSC. This is why for example clause 1.6 of the CPG provides that Direct Appointment shall be made in the grade of Engineer CSG 11, and not “Engineering Technologist, CSG 11” The recognition here is that both Bsc Engineers and Engineering Technologists are in the same job groups, while conducting their respective roles. This is the current reality and practice. This means that until the new categorisation comes into effect, the CPG is saying that the 1st Respondent must continue employing the two “engineers” in the same category.....and that should they create any new category, the same must first be approved by PSC. FOURTHLY, we bring it to the Court’s attention that for eight years, that is between 2012 and 2020, both Bsc Engineers and Btech Engineers were members of EBK courtesy of a court order. It was only after KETRB was formed through the Engineering Technology Act of 2016 that the Supreme Court reviewed this order in the year 2020 (in the Martin Wanderi cases). Clearly, we submit, that membership to KETRB should have been included by the 1st Respondent, as it was created to accommodate former members of EBK!

The respondent’s submissions

20. Whether a prima facie constitutional violation has been made - The Applicant alleges discrimination under Article 27 of the Constitution. Discrimination arises where equals are treated unequally without lawful justification. Engineers and Engineering Technologists are not equals in law. They are distinct professional cadres governed by separate statutes: Engineers Act No. 43 of 2011 and Engineering Technologists Act, 2016. The distinction is based on: Academic qualification; Scope of training; Regulatory framework; Professional mandate. Article 27 does not prohibit differentiation based on professional qualification. Such differentiation is rational, lawful and objectively justifiable. The Applicant has not demonstrated that Engineering Technologists are legally qualified to perform functions reserved for EBK-registered Engineers such as: Conceptual design, Sealing and approving drawings, Engineering certification, Statutory supervision of works. We submit therefore that no constitutional right has been violated whatsoever or at all.

21. Whether the Petitioner/Applicant has met the threshold for grant of a conservatory order- In the case of *Gatirau Peter Munya v Dickson Mwenda Kithinji & 2 Others* (2014) eKLR the Supreme Court stated that; "Conservatory orders bear a more decided public-law connotation: for these are orders to facilitate ordered functioning within public agencies, as well as to uphold the adjudicatory authority of the Court, in the public interest. Conservatory orders, therefore, are not, unlike interlocutory injunctions, linked to such private-party issues as "the prospects of irreparable harm" occurring during the pendency of a case or high probability of success" in the supplicant's case for orders of stay. Conservatory orders, consequently, should be granted on the inherent merit of a case, bearing in mind the public interest, the constitutional values, and the proportionate magnitudes, and priority levels attributable to the relevant causes." We submit that the Petitioner/Applicant have failed to demonstrate the required threshold for the grant of

conservatory orders because the Application and Petition is made to imply that Engineers and Engineering Technologists are the same professions/cadre that exist interchangeably in practice which is both factually and legally deceptive. The Engineers Act No. 43 of 2011 under section 2 defines engineering as a profession centered on the creative and conceptual application of scientific and mathematical principles to the design, development and forecasting of the performance, safety and economics of engineering works. The Engineering Technology Act, 2016 defines engineering technology as a practice- oriented discipline focused on the application, implementation, operation, and improvement of existing technologies with emphasis on manufacturing, product improvement, and engineering operations. Engineering Technologists are trained to develop, apply and implement engineering operations while Engineers are trained to conceptualize, design and analyze engineering works. In the case of Wanderi & 106 others v Engineers Registration Board & 8 others; Egerton University & another (Interested Parties) (Application 39 of 2019 & Petition 4 of 2016 (Consolidated)) [2020] KESC 44 (KLR) (15 May 2020) (Ruling) the Supreme Court conclusively determined that Engineers and Engineering Technologists are distinct professional cadres governed by separate statutory regimes, and that registration with the Engineers Board of Kenya is mandatory for persons seeking to practice as Engineers. The Court further held that such statutory differentiation does not amount to discrimination. It is our submission that the positions of Deputy Director Roads, Assistant Director Roads, Principal Engineer, Senior Engineer and Engineer are positions that require the expertise of a graduate Engineer regulated by the Engineers Board of Kenya because the persons that hold the positions would be required to seal and approve designs, conceptualize designs from scratch, supervise and lead road projects. These expertise are limited to only graduate Engineers who are regulated by the Engineers Board of Kenya. It therefore our submissions that the requirement that the positions of Deputy Director Roads, Assistant Director Roads, Principal

Engineer, Senior Engineer and Engineer be graduate Engineers regulated by the Engineers Board of Kenya is not only factually correct in respect of the professional expertise required but legally supported by both statutory and case law. We submit that the 1st Respondent advertised 30 positions for the cadre of Engineering Technicians in the advertisement dated 23rd December 2025. These positions require that the applicants for the positions demonstrate that they are members of Kenya Engineering Technology Registration Board (KETRB) who regulate Engineering Technologists. The expertise required for the position of Engineering Technicians is that of those trained in Engineering Technology or a Diploma holder in Civil Engineering, who are focused on the application, implementation, and improvement of engineering operations. The Black's Law Dictionary definition of the term 'discrimination' is "failure to treat all persons equally when no reasonable distinction can be found between those favoured and those not favoured" It is our submission that the 1^a Respondent has not discriminated on the members of the Petitioner/Applicant in the job advertisement dated 23rd December 2025 for the following reasons: (See 1st Respondent's Replying Affidavit of Eng. Jackson Magondu).

- i. Engineers and Engineering Technologists are two separate and distinct cadres regulated by two separate and distinct statutory bodies and statutory laws.
- ii. The 1^a Respondent advertised positions for both Engineers and Engineering Technologists in the job advertisement dated 23rd December 2025.
- iii. The professional expertise required for the advertised positions of Deputy Director Roads, Assistant Director Roads, Principal Engineer, Senior Engineer and Engineer are different from those required for the advertised position of Engineering Technician.

iv. The requirements for the job positions of Deputy Director Roads, Assistant Director Roads, Principal Engineer, Senior Engineer and Engineer are in line with the Career Guidelines of Engineers, Public Service Commission Career Guidelines and Engineers Act No. 43 of 2011.

v. The requirements for the (30) job positions of Engineering Technicians are in line with the Career Guidelines of Engineering Technologists, Public Service Commission Career Guidelines and Engineers Technologist Act, 2016.

22. Further and in any event, Bachelor of Engineering programmes in Kenya are five-year accredited programmes that meet EBK'S statutory and regulatory thresholds, including minimum entry requirements and curriculum depth. On the other hand Bachelor of Technology programmes are four-year programmes which do not meet these threshold requirements and consequently do not qualify as Engineers. We submit that the job advertisement made by the 1st Respondent dated 23rd December 2025 is constitutionally sound because it is in line with the provisions of Article 10 of the Constitution in respect of the Constitutional Value of upholding of the Rule of Law with regard to the separate and distinct professions of Engineers and Engineering Technologists and the separate statutes that govern them.

23. Whether Public Interest and proportionality favour the continuation of recruitment exercise- KeRRA is mandated to manage and maintain rural road infrastructure nationally. The affected positions are senior technical roles critical to: Road safety; Project supervision; Budget absorption; Compliance with engineering standards. Continued suspension: Delays infrastructure delivery; Risks financial loss; Compromises public safety; Undermines public service efficiency. Public interest overwhelmingly favours continuation of recruitment. It would be disproportionate to halt national infrastructure staffing due to a professional classification dispute already settled by the Supreme Court. In any event, the Application is premature, speculative, and legally

unsustainable as it seeks to compel the 1st Respondent to act contrary to statute and binding precedent. The issue for determination is whether the petitioner's case disclosed a prima facie case of constitutional violation of Article 10,27,41,43,47,55, and 232 of the Constitution as pleaded and submitted above.

Decision

24. The applicant stated that advertisement for the impugned vacancies described tasks which are specifically and perfectly aligned with the work that is expected to be performed by holders of Bachelor of Technology Engineering degrees as provided by section 2 of the Engineering Technology Act, 2016 where the term engineering technology is defined as-*"engineering technology" means part of the engineering profession in which knowledge of applied mathematical and natural science gained by higher education, experience and practice is devoted to application of engineering principles and the implementation of technology education for the professional focusing primarily on analysing, applying, implementing and improving existing technologies and is aimed at preparing graduates for the purpose of engineering technology practices closest to the product improvement, manufacturing and engineering operational functions;*" Conversely, The Engineers Act describes two key terms as follows-*"engineer" means a person registered under this Act as a professional engineer or consulting engineer and who holds a valid licence; "engineering" means the creative application of scientific principles to design or develop structures, machines, apparatus, or manufacturing processes, or works utilizing them singly or in combination or to construct or operate the same with full cognizance of their design or to forecast their behavior under specific operating*

conditions or aspects of intended functions, economics of operation and safety to life and property;’’

25. It is the applicant’s case that the requirement of candidates for the impugned vacancies to be registered members of the Engineers Board of Kenya (EBK) discriminates against their members, engineering technologists, who are registered with Kenya Engineering technology Registration Board(KETRB). This is denied by the Respondent, who states the two professions are distinct and that it had advertised positions for both professionals. The Black's Law Dictionary definition of the term 'discrimination' is "failure to treat all persons equally when no reasonable distinction can be found between those favoured and those not favoured. The Applicant raised an issue with the advert having stated a criterion for candidates to be members of EBK. The applicant contended that the requirements discriminated against their members who are registered with KETRB. The applicant further contended that the career progression guidelines, as published by the Public Service Commission, provide that there shall be no separate job categories for Bachelor of Science and Bachelor of Technology Engineers. The Respondent contended that the issue of the two professions, Engineers and Technologists, was decided by the Supreme Court in Application No. 39 of 2019 between Martin Wanderi and 9 others vs. The Engineers Registration Board. To dispute in the decision was about technologists who had been denied registration with EBK and in the decision (review) the Supreme Court held while the professions were related they are different. The Supreme Court held that the two professions were created under different legislations and that to hold they are the same and that both could be registered under the Engineers Registration Act would be judicial fiat. Annexure BT 2 of the application was the said adverts and in all the vacancies of Grade 4, 5, 6 and 7 in issue and subject of conservatory orders, a key requirement was membership to EBK. In

response to the Applicant's demand letter, the Respondent stated that the positions advertised were for both engineering technologists and engineers, each requiring registration with a different professional body, as stated in the advertisement, and that the membership requirements for both bodies differ (BJ-5). The Applicant produced the approved career guidelines of its members by PSC as BJ-6. There was Grade 7 and 6 of Engineering technologists. Among the stated function for the cadres were:-

- (i) Conduct feasibility, performance, and technical assessments for engineering projects and programmes in liaison with engineers.
- (ii) Take part in preparation of schedule costs and budgets in liaison with Engineers.

26. The court finds that the wording used by PSC in the sampled tasks meant the Engineering technologists could only WORK under engineers. Conversely, the Respondent filed in court PSC career progression guidelines for Engineers (JK1). The impugned vacancies were for the positions of Deputy Director Roads, Assistant Director Roads, Principal Engineer, and Assistant Engineer. The PSC has created jobs called Engineers Roads in the said cadres and these are not in the Engineering technologist cadres. The court found a major distinction in job requirements for the 2 professions. Only Engineers could come up with designs for road constructions etc which are implemented by the technologists. I find that the members of 1st Applicant do not hold the same qualifications as the engineers, have their own professional body, and are not qualified to do the same work as engineers, and have their own career paths distinguished from those of engineers, as created by PSC. The court finds that Article 27 of the Constitution does not prohibit differentiation based on professional qualification and provides grounds of discrimination as- '27(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or

birth.”

The court finds the differentiation in vacancies advertised by the respondent of the professions of engineering technologists and engineers is rational, lawful and objectively justifiable. The Applicant has not demonstrated that Engineering Technologists are legally qualified to perform functions reserved for EBK-registered Engineers such as: Conceptual design, Sealing and approving drawings, Engineering certification, Statutory supervision of works (See career progressions guidelines for Engineers by PSC, JK1). The court upholds the decision in *Munya v Kithinji & 2 others* (Application 5 of 2014) [2014] KESC 30 (KLR) (2 April 2014) (Ruling), where the Supreme Court held that “86. “Conservatory orders” bear a more decided public-law connotation: for these are orders to facilitate ordered functioning within public agencies, as well as to uphold the adjudicatory authority of the Court, in the public interest.....Conservatory orders, consequently, should be granted on the inherent merit of a case, bearing in mind the public interest, the constitutional values, and the proportionate magnitudes, and priority levels attributable to the relevant causes.” I find that the descriptions of tasks for the members of the applicant and members of EBK in the Public Service Commission career progression guidelines are distinct. The respondent has advertised jobs for both professions. Consequently, having so held, I find no discrimination against engineering technologists in the adverts by the Respondent published on 23rd December 2025 and 13th January 2026 of the 87 vacancies. The Application dated 19th January 2026 is held not to disclose a prima facie case of violation of the Constitution and is dismissed. The conservatory orders in place are discharged. Costs in the cause.

27. It is so Ordered

DATED, SIGNED, AND DELIVERED IN OPEN COURT AT NAIROBI THIS 27TH DAY OF
FEBRUARY, 2026.

JEMIMAH KELI

JUDGE

IN THE PRESENCE OF:

Court Assistant: Otieno

Petitioner/applicant : Wachira

1st Respondent: Ms Bosire h/b Ms Nanau