

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JUDICIAL REVIEW APPLICATION NO. E.344 OF 2025

MESHACK OCHIENG.....APPLICANT

VERSUS

THE ATTORNEY GENERAL.....1ST RESPONDENT

THE PERMANENT SECRETARY,

MINISTRY OF EDUCATION.....2ND RESPONDENT

RULING

1. On 5th November, 2025, this Court called on the applicant herein who appears *pro se*, to appear in court virtually to explain circumstances under which he filed an application meant for JR 414 of 2014 into this new file and this is what he stated:

“When I filed my matter, I wanted it to be forwarded to Justice Chigiti. It is consolidated submissions and evidence. The matter is for Ruling before Justice Chigiti on 20/11/2025. The other number 414/2014 could not upload the documents on the CTS. I want these documents, which I filed and they picked a different case number to be taken to Justice Chigiti to be included in the file JR 414/2014. These documents are consolidated written submissions, evidence and affidavit of service. I was to file these documents earlier but CTS could not upload them. All I want is

for this court to forward these documents to Justice Chigiti. I was last before him on 21/10/2025.”

2. This Court then rendered a brief ruling as follows:

“Having heard Mr. Meshack Ochieng, I now note that this court file was erroneously opened. The documents filed are not pleadings but documents which ought to have been filed in JR 414/2014. The latter matter is said to be pending Ruling before Justice Chigiti J, SC scheduled for 20/11/2025. According to Mr. Ochieng, he tried uploading the documents but he was unable hence the opening of a fresh file on the CTS just to transmit the documents into JR 414/2014. He states that the matter JR 414/2014 was before Justice Chigiti SC on 21/10/2025 when he reserved for a Ruling and that he had frantically tried to upload the documents in vain.

That being the case, I direct that the documents which were filed in this new file by Mr. Ochieng be transmitted to Hon. Justice Chigiti SC for purposes of the learned Judge considering whether to admit the documents in that file or not, after hearing Mr. Ochieng.

Meanwhile, as this file cannot operate parallel to JR 414/2014 which is live, merely for holding of documents that belong to JR 414/2014, this file is closed.

These proceedings and short ruling be typed, uploaded to the CTS and transmitted together with the physical documents to Hon. Justice Chigiti SC forthwith.”

3. On 13th February, 2026, the applicant, oblivious of the order of 5th November 2025 closing this file which has no originating pleadings, filed another application dated 13th February 2026 and this Court invited him for a hearing in person virtually. He appeared exparte on 16/02/2026 and made oral submissions urging his said application.

4. The applicant stated as follows in submission:

“I filed my application dated 13/2/2026. I want certificate of order against the Government. I want the Deputy Registrar to act upon my request. I know the purpose of certificate of order against the government. In Civil Appeal No. 54/2015, from the Court of Appeal, I got judgment. I erroneously filed my application in this file which was closed. I only wanted the Deputy Registrar to act on 16/2/2026. I only want to execute the order from the Court of Appeal. Justice Chigiti erred in barring me from filing application because in July 2025, he allowed me to proceed so it is in order for me to proceed.”

5. This Court then reserved the application for ruling today and undertook to peruse the documents filed by the applicant and his application.

6. Regrettably, even after the Court reserved the application for a ruling, all that the applicant has been doing is that on a daily basis, he has been

filing fresh applications in this file and sending those applications and heavy bulky documentation to my private email which is used to receive word documents from parties for purposes of writing decisions. He picked the email from court on hearing me supply it to counsel in specific matters.

7. It is therefore clear to me that the applicant is unstoppable as far as quest to file documents into my private email and in this file which has nothing originating it thereby creating disorder in the judicial process. It is no longer about access to Justice when a party flouts orders of the court and instead of filing documents in the appropriate matter and file, he decided to open other files to be conduits for his documentation to reach the judge, including penetrating the Judge's private email.
8. I am unable to find the applicant to be seeking justice but that he is abusing court process and vexing the Court.
9. I have not dealt with the applicant's substantive matters and therefore I cannot comment on his previous conduct but I find it repulsive that he is filing his applications in a multiple way through my personal email address. That is unacceptable.
10. Accordingly, and without delving into what his application is all about, as that would deviate the court from orderliness, I hereby decline to entertain the merits of his application dated 13th February, 2026 and strike it out for abuse of court process.

11. Additionally, as the applicant has continued to file certificates of urgency on a daily basis, in this file, in addition to the application dated 13th February 2026, which applications do not make sense at all, I hereby order that none of the applications are certified urgent and each of those applications are struck out for abusing the court process.

12. This file remains closed and no other application shall be accepted on this file and in these parallel proceedings which are only diverting the Court from proper administration of justice.

13. I so order.

Dated, Signed & Delivered virtually at Nairobi this 18th Day of March, 2026

**R.E. ABURILI
JUDGE**