



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**CIVIL APPLICATION NO. 116 OF 2000**

**ISAAC N. ONDIEKI ..... APPLICANT**

**AND**

**1. MINISTRY OF INFORMATION & BROADCASTING**

**2. PUBLIC SERVICE COMMISSION ..... RESPONDENTS**

**(An application for leave to file Appeal as a pauper in an intended Appeal from the Judgment of the High Court of Kenya at Nairobi (Justice Githinji) dated 8th February, 2000**

**in**

**H.C.MISC.C. NO. 1079 OF 1999)**

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**RULING OF THE COURT**

The applicant is, as was held by Gicheru JA hopelessly out of time in instituting his original suit in the superior court against the respondent. As such, we agree with Gicheru JA that it would be an exercise in futility to grant the applicant what he now seeks, namely, only permission to institute proceedings in the superior court as a pauper. In the result, the applicant's present application before us to grant him permission to sue as a pauper, is without merit and it is hereby dismissed, but with no order as to costs.

Dated and delivered at Nairobi this 6th day of February, 2001.

**R. S. C. OMOLO**

.....

**JUDGE OF APPEAL**

**A. M. AKIWUMI**

.....

**JUDGE OF APPEAL**

**E. O. O'KUBASU**

.....

**JUDGE OF APPEAL**

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR.**