



**Nduhiu v Brookhurst International School (Cause E025 of 2025)  
[2025] KEELRC 675 (KLR) (6 March 2025) (Ruling)**

Neutral citation: [2025] KEELRC 675 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE E025 OF 2025  
S RADIDO, J  
MARCH 6, 2025**

**BETWEEN**

**HELLEN NDUHIU ..... CLAIMANT**

**AND**

**BROOKHURST INTERNATIONAL SCHOOL ..... RESPONDENT**

**RULING**

1. On or around 2 September 2022, a Director of Brookhurst International School (the Respondent) confirmed Hellen Nduhiu (the Claimant) as the Principal.
2. The Claimant did not last long in the position, and on 13 December 2024, the Director wrote to her to inform her it had decided to separate with her.
3. The Claimant was aggrieved, and she sued the Respondent on 16 January 2025, alleging unfair termination of employment and breach of contract.
4. At the same time, the Claimant filed a Motion seeking orders:
  - i. ...
  - ii. ...
  - iii. That pending the hearing and final disposition of the main suit, the Honourable Court be pleased to issue the following orders:
    - a. This Honourable Court be pleased to issue an order suspending the termination of the applicant.
    - b. This Honourable Court be pleased to issue an order reinstating the applicant's benefits, including but not limited to the immediate resumption of schooling of the applicant's children.



- iv. That pending compliance with section 41 of the *Employment Act*, 2007, this Honourable Court be pleased to issue an order suspending the termination of the applicant's employment.
  - v. That this Honourable Court do grant any other and further order as may be just and expedient and for the interest of justice.
  - vi. That cost of this application be provided for
5. The primary grounds in support of the Motion were that the Respondent had unfairly terminated the Claimant's contract despite being aware of her mental health status and, that part of the Claimant's benefits was free tuition, and one of her children was scheduled to sit her final examinations in May 2025.
  6. The Court gave directions on the Motion on 17 January 2025 and 21 January 2025. The Court also urged the parties to attempt to compromise the Motion.
  7. The Respondent filed a replying affidavit on 3 February 2025. In the affidavit, the Director of the Respondent accused the Claimant of absenteeism, poor performance and conduct contrary to the Code of Conduct.
  8. The Director further deponed that since the Claimant's contract had been terminated, her children could continue attending school upon payment of school fees.
  9. On the Court directed the parties to file and exchange submissions.
  10. Instead of filing submissions, the Claimant filed a Notice of Withdrawal of Motion dated 15 January 2025.

#### **Orders**

11. The Motion dated 15 January 2025 is marked as withdrawn with costs to the Respondent.

**DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 6TH DAY OF MARCH 2025.**

**RADIDO STEPHEN, MCIArb**

**JUDGE**

Appearances

For Claimant Elkana Mogaka & Associates Advocates

For Respondent M.D. Mwaura Advocates

Court Assistant Wangu

