



**Agoro & another v Commissioner General of Prisons & 3 others; Kenya
National Human Rights Commission & 5 others (Interested Parties)
(Petition E066 of 2025) [2025] KEELRC 1285 (KLR) (7 May 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1285 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION E066 OF 2025**

**HS WASILWA, J
MAY 7, 2025**

BETWEEN

PETER AGORO 1ST PETITIONER

HENRY MURIITHI 2ND PETITIONER

AND

THE COMMISSIONER GENERAL OF PRISONS 1ST RESPONDENT

**THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR CORRECTIONAL
SERVICES 2ND RESPONDENT**

**THE CABINET SECRETARY, MINISTRY OF INTERIOR AND
COORDINATION OF NATIONAL GOVERNMENT 3RD RESPONDENT**

THE HON ATTORNEY GENERAL 4TH RESPONDENT

AND

**KENYA NATIONAL HUMAN RIGHTS COMMISSION & 5
OTHERS INTERESTED PARTY**

RULING

1. The application before court is the one dated 17th April 2025 filed by the applicants herein contending that the recruitment process currently being undertaken by the respondents is discriminatory, unconstitutional and unfair. They aver that he 1st respondent commenced recruitment of cadets, professional technician and artisans vide an advert dated 17th April 2025.



2. They aver that the recruitment has imposed arbitrarily harsher qualifications on serving graduate officers for promotion to the inspectorate ranks compared to civilians entrants contrary to article 27(1) (4) and 5 of *the Constitution*.
3. The applicants aver that the 1st respondent has set a criterial for promotion of serving graduate officers by requiring a master's degree and at least 10 years of service whereas for new entrants only a bachelor's degree with no experience is required. The applicants want the respondents to prioritise internal human resource development and career progression. It is on this ground that the applicants seek orders from this court to stop any further recruitment process to preserve the substratum of the petition.
4. The respondents on their part are opposed to the grant of interim injunctive orders. The 1st respondent has averred the advertisements and promotion being undertaken are in tandem with their reviewed scheme of service, which stipulates the qualifications one must have to be promoted to the rank of Inspector of Prisons. They aver that the advertisement was altered to align with the said scheme of service, which was approved by the Public Service Commission.
5. The 1st respondent aver that the advertisement and recruitment of professionals was made to align itself with critical skill gaps in the services and does not undermine and displace the career advancement of serving staff. The 1st respondents in their replying affidavit dated 2nd May 2025 set out reasons why the recruitment is necessary and does not undermine the progression and promotion of the serving staff.
6. Having considered the averments of both parties, I do find that allowing the recruitment process to go through out ways stoppage of the same and does not undermine the promotion of serving staff. I decline to grant any injunctive orders at the moment and direct that the parties proceed with the main petition. Costs in the petition.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 7TH OF MAY, 2025.

HELLEN WASILWA

JUDGE

