



**Kenya Universities Staff Union- Kenyatta University Branch v Kenyatta University & 2 others (Petition E082 of 2020) [2022] KEELRC 13199 (KLR) (4 November 2022) (Ruling)**

Neutral citation: [2022] KEELRC 13199 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
PETITION E082 OF 2020**

**J RIKA, J**

**NOVEMBER 4, 2022**

**BETWEEN**

**KENYA UNIVERSITIES STAFF UNION- KENYATTA UNIVERSITY  
BRANCH ..... CLAIMANT**

**AND**

**KENYATTA UNIVERSITY ..... 1<sup>ST</sup> RESPONDENT**

**CHAIRPERSON UNIVERSITY COUNCIL KENYATTA UNIVERSITY .... 2<sup>ND</sup>  
RESPONDENT**

**VICE-CHANCELLOR KENYATTA UNIVERSITY ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. This court would like to assure Mr Omondi and the union he represents, that it has no association whatsoever with the gentleman he identifies as Prof Paul Wainaina.
2. It is also important for the petitioners to know that files are not assigned to the respective judges, by the judges themselves. They are normally assigned to judges by the office of the registrar.
3. Matters are likely to be heard on interlocutory application, by different courts.
4. If a ruling has been made, which litigants are dissatisfied with, it is open for the litigants to go on appeal to the relevant superior jurisdiction, rather than apply for recusal of the judge.
5. Judges have an obligation under the Constitution and the law to hear and determine matters placed before them.
6. There are no good grounds submitted by the petitioner for recusal of this court. The grounds advanced by Mr Omondi are not factual. They are speculative and cannot warrant recusal.



**It is ordered: -**

- a. The application by the petitioner asking the court to recuse itself is declined.
- b. Cost of the application to be paid by the petitioners.

**DATED, SIGNED AND RELEASED THE PARTIES ELECTRONICALLY, UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, AT NAIROBI, THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2022.**

**JAMES RIKA**

**JUDGE**

