



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT MALINDI**

**JUDICIAL REVIEW APPLICATION NO. 1 OF 2018**

**IN THE MATTER OF: AN APPLICATION BY THE APPLICANT FOR ORDERS  
OF CERTIORARI, PROHIBITION, AND MANDAMUS;**

**AND**

**IN THE MATTER OF: THE CONSTITUTION OF KENYA 2010;**

**AND**

**IN THE MATTER OF: JUDICATURE ACT OF KENYA 2010;**

**AND**

**IN THE MATTER OF: THE EMPLOYMENT ACT NO. 11 OF 2007 ACT;**

**AND**

**IN THE MATTER OF: THE FAIR ADMINISTRATIVE ACTION ACT, 2015;**

**BETWEEN**

**PROF. MWAKIO P. TOLE.....APPLICANT**

**AND**

**PWANI UNIVERSITY.....RESPONDENT**

**RULING**

1. The *ex parte* Applicant was granted leave to apply for judicial review on 26<sup>th</sup> November 2018.
2. The Respondent was granted 14 days to file Replying Affidavit and/or Grounds of Opposition.
3. The matter was mentioned at Mombasa on 13<sup>th</sup> December 2018.
4. The Respondent did not attend Court, and had not filed any Reply, by this date.
5. The substantive application was fixed for hearing today at Malindi.
6. There is no Reply filed to date, and although Mr. Kavita states he is holding brief for Ms. Kaguthi for the Respondent, there is no Notice of Appointment of Advocates filed by the Respondent.
7. The Application dated 27<sup>th</sup> November 2018 is not opposed.

**IT IS ORDERED:-**

*a) Orders of CERTIORARI, PROHIBITION and MANDAMUS are granted as prayed.*

*b) Costs to the Ex-Parte Applicant.*

**Dated and delivered at Malindi this 25<sup>th</sup> day of February 2019.**

**James Rika**

**Judge**