



**Waliaula & another v Kenya National Examinations Council & another (Judicial Review Application E104 of 2025) [2025] KEHC 5109 (KLR) (Judicial Review) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5109 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW APPLICATION E104 OF 2025**

**RE ABURILI, J**

**APRIL 30, 2025**

**BETWEEN**

**JIMMY WALIAULA ..... 1<sup>ST</sup> APPLICANT**

**WALIAULA SHALEEN ZAWADI ..... 2<sup>ND</sup> APPLICANT**

**AND**

**KENYA NATIONAL EXAMINATIONS COUNCIL ..... 1<sup>ST</sup> RESPONDENT**

**DR DAVID NJENG'ERE, THE CHIEF EXECUTIVE OFFICER KENYA**

**NATIONAL EXAMINATIONS COUNCIL ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The application dated 25<sup>th</sup> April 2025 is under certificate of urgency. It was referred to this court by Judicial Review HC 2 on account of conflict of interest by the Hon. Judge.
2. I have considered the application, grounds and other supporting material and I am satisfied that the application is urgent and ought to be considered expeditiously. I certify it as urgent and proceed to consider whether the leave sought to apply for Judicial Review orders of mandamus is merited.
3. The 1<sup>st</sup> applicant is the father and guardian to the 2<sup>nd</sup> applicant. The latter sat for KCSE at Lugulu Girls National School. Her Examinations Results for the year 2024 were withheld initially by KNEC the first respondent and when the results were finally released, she had a Y in Music subject hence she is unable to demonstrate that she completed her Form 4 successfully.
4. She challenged the decision of KNEC to the National Examinations Appeals Tribunal vide Appeal No. TRNEAT/001/2025 and was successful vide judgment/decision rendered on 12/3/2025 setting aside the decision of KNEC cancelling her KCSE Results in music and the Tribunal reinstating her original results and directing KNEC to issue her with a result slip.



5. Despite that order, which has not been challenged before any other authority or court of law, KNEC has refused to implement the decision of the Tribunal, which is a judicial decision capable of being enforced as a decree of the court.
6. It is for that reason that the applicants are before this court seeking leave to apply for Judicial Review orders of mandamus to compel KNEC and its Chief Executive Officer to comply with the decision of the Tribunal.
7. Having considered the application as a whole, I am satisfied that the applicant has established an arguable prima facie case for consideration substantively on its merit, and without delving into the merits of the matter.
8. Accordingly, I find the application dated 25/4/2025 merited. I grant leave to the applicants as sought to apply for Judicial Review orders of mandamus to compel the Respondents to comply with orders of the Education Appeals Tribunal rendered on 12/3/2025 in Tribunal Appeal No. TRNEAT/001/2025.
9. The substantive motion to be filed and served within 7 days of the date of filing. Costs, if any, shall be in the main motion, which motion shall be filed in a fresh file, with only the Notice of Motion being filed without other documents that were filed in support of the chamber summons.
10. This file is closed.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 30<sup>TH</sup> DAY OF APRIL, 2025**

**R.E. ABURILI**

**JUDGE**

