



**Lumwaji v Machogu & 2 others; Nandi & another (Interested Parties) (Constitutional Petition E003 of 2024) [2024] KEHC 3100 (KLR) (19 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3100 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CONSTITUTIONAL PETITION E003 OF 2024**

**RE ABURILI, J  
MARCH 19, 2024**

**BETWEEN**

**STEPHEN CHAHASI LUMWAJI ..... PETITIONER**

**AND**

**HON DR EZEKIEL MACHOGU ..... 1<sup>ST</sup> RESPONDENT**

**PUBLIC SERVICE COMMISSION ..... 2<sup>ND</sup> RESPONDENT**

**KAIMOSI UNIVERSITY COUNCIL ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**PROF OGODO MANYASI JACOB NANDI ..... INTERESTED PARTY**

**PROF PETER N MWITA ..... INTERESTED PARTY**

**RULING**

1. I have considered the application dated 19<sup>th</sup> March 2024, the grounds, supporting affidavit and annexures. The application is filed under certificate of urgency.
2. I find no urgency involved. I decline to certify the same as urgent.
3. In addition, I have perused the Petition as a whole. I observe that the Petitioner/Applicant's lamentations concern the appointment of Vice Chancellor for Kaimosi Friends University.
4. The University is domiciled in Vihiga County. There is a High Court in Vihiga. I find no reason why this petition was filed in Kisumu High Court.
5. I decline to entertain the Petition and the application for conservatory orders.
6. I direct the Deputy Registrar to send this file to Vihiga High Court by way of transfer as herein ordered, for further directions, hearing and final determination.



7. From Kisumu High Court, the file is closed.

8. I so direct.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF MARCH, 2024**

**R. E. ABURILI**

**JUDGE**

