



**Judges and Magistrates Vetting Board v Ombija (Petition
1 of 2016) [2016] KESC 10 (KLR) (7 March 2016) (Order)**

Judges and Magistrates Vetting Board v Nicholas Randa Owano Ombija [2016] eKLR

Neutral citation: [2016] KESC 10 (KLR)

**REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA
PETITION 1 OF 2016
WM MUTUNGA, CJ, KH RAWAL, DCJ & VP, MK
IBRAHIM, JB OJWANG, SC WANJALA & N NDUNGU, SCJJ
MARCH 7, 2016**

BETWEEN

THE JUDGES AND MAGISTRATES VETTING BOARD PETITIONER

AND

NICHOLAS RANDA OWANO OMBIJA RESPONDENT

(An appeal from the Judgment of the Court of Appeal in Nairobi Civil Appeal N0. 281 of 2015 (Kariuki, Sichale and Mohammed, JJA) dated and delivered on 14th December 2015)

ORDER

Orders of the Court

1. Upon considering all the documents tendered by the parties, as well as the detailed submissions of learned counsel, we have formulated a Judgment that will be issued on notice, but the specific Orders of which we now issue, as follows:
 - (1) The Petition is allowed, on the following specific terms.
 - (2) The process of vetting by the Petitioner had commenced before December 31, 2015.
 - (3) The Petitioner shall proceed with the process of hearing, and shall conclude the vetting of the Respondent without any further delay.
 - (4) To accord the respondent full opportunity to partake of his rights to a fair hearing, as well as his right of review, the vetting shall proceed on a day-to-day basis, until concluded by March 31, 2016, in accordance with the law.



- (5) As established in the precedents of this Court, the vetting process shall be limited to matters arising upto August 27, 2010.
- (6) As the petitioner had annulled its decision of December 21, 2012 and the proceedings leading thereto, the parties legally revert to the position prevailing as at July 30, 2012.
- (7) The parties shall bear their respective costs, in respect of the appeal herein.

Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 7TH DAY OF MARCH, 2016.

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W.M. MUTUNGA

CHIEF JUSTICE & PRESIDENT OF THE SUPREME COURT

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K.H. RAWAL

DEPUTY CHIEF JUSTICE & VICE-PRESIDENT OF THE SUPREME COURT

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M.K. IBRAHIM

JUSTICE OF THE SUPREME COURT

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J.B. OJWANG

JUSTICE OF THE SUPREME COURT

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S.C. WANJALA

JUSTICE OF THE SUPREME COURT

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S.N. NDUNGU

JUSTICE OF THE SUPREME COURT JUSTICE OF THE SUPREME COURT

I certify that this is a true copy of the original

REGISTRAR, SUPREME COURT

