

**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**  
**PETITION NO. E.027 OF 2023**

**IN THE MATTER OF SELECTION OF CHAIRPERSON AND MEMBERS OF**  
**THE MEDIA COUNCIL OF KENYA (MCK)**

**AND**

**IN THE MATTER OF ARTICLES 1(1), 2, 3, 10, 19, 20, 22, 23, 38, 47, 81,**  
**91 (1) (g), 92, 165, 201 258, 259 & 260 OF THE CONSTITUTION OF**  
**KENYA 2010.**

**AND**

**IN THE MATTER OF IN THE MATTER OF SECTION 7 (2), 11 & 14 OF**  
**THE MEDIA COUNCIL ACT**

**AND**

**IN THE MATTER OF RULE 4, 10, 11, 13 OF THE CONSTITUTION OF**  
**KENYA (SUPERVISORY JURISDICTION AND PROTECTION OF**  
**FUNDAMENTAL**  
**FREEDOMS)- HIGH COURT PRACTICE AND PROCEDURE RULES 2013**

**AND**

**IN THE MATTER OF ALLEGED CONTRAVENTION OF ARTICLES 2, 10, 27**  
**19 & 34, 201 OF THE CONSTITUTION OF KENYA.**

**BETWEEN**

**DR.MAGARE GIKENYI J. BENJAMIN.....PETITIONER**

**=VERSUS=**

**CABINET SECRETARY, MINISTRY OF INFORMATION**

**COMMUNICATION AND DIGITAL ECONOMY.....1ST RESPONDENT**

**SELECTION PANEL FOR APPOINTMENT OF CHAIRPERSON  
AND MEMBERS OF THE MEDIA COUNCIL OF KENYA...2ND RESPONDENT**

**THE MEDIA COUNCIL OF KENYA .....3RD RESPONDENT**

**THE NATION MEDIA GROUP.....4TH RESPONDENT**

**HON. ATTORNEY GENERAL.....5TH RESPONDENT**

**AND**

**CABINET SECRETARY, MINISTRY OF INFORMATION  
COMMUNICATION AND DIGITAL ECONOMY.....1ST RESPONDENT**

**SELECTION PANEL FOR APPOINTMENT OF CHAIRPERSON  
AND MEMBERS OF THE MEDIA COUNCIL OF KENYA...2ND RESPONDENT**

**THE MEDIA COUNCIL OF KENYA .....3RD RESPONDENT**

**THE NATION MEDIA GROUP.....4TH RESPONDENT**

**HON. ATTORNEY GENERAL.....5TH RESPONDENT**

**AND**

**EMMANUEL JUMA..... 1ST INTERESTED PARTY**  
**OSCAR OBONYO.....2ND INTERESTED PARTY**  
**MACHARIA GAITHO.....3RD INTERESTED PARTY**  
**MARLENE ACHIENG ABONGO.....4TH INTERESTED PARTY**  
**WILLIAM ONYANGO OLOO.....5TH INTERESTED PARTY**  
**SYLVIA MWICHULI.....6<sup>TH</sup> INTERESTED PARTY**  
**DANIEL WAITERE.....7TH INTERESTED PARTY**  
**JULIUS MELLI.....8TH INTERESTED PARTY**  
**BENJAMIN LANGWEN.....9TH INTERESTED PARTY**  
**JULIANA YIAPAN.....10TH INTERESTED PARTY**  
**JOSPINE KINUTHIA.....11TH INTERESTED PARTY**  
**DR.JANE WAMBUI THUO.....12TH INTERESTED PARTY**  
**DR. KINYA MWITHIA.....13TH INTERESTED PARTY**  
**JOSEPH MUIRURI.....14TH INTERESTED PARTY**  
**SUSAN KARAGO.....15TH INTERESTED PARTY**  
**CHARLES ERICK ODUOR.....16TH INTERESTED PARTY**  
**CHURCHILL MOSES OTIENO AUMA.....17TH INTERESTED PARTY**  
**TABITHA MUTEMI .....18TH INTERESTED PARTY**  
**KENNEDY ONYONYI .....19TH INTERESTED PARTY**  
**PETER MUNYWOKI MUTIE.....20TH INTERESTED PARTY**  
**SUSAN KARAGO.....21ST INTERESTED PARTY**  
**DOROTHY WANJIKU.....22ND INTERESTED PARTY**  
**ODERO JUDE.....23RD INTERESTED PARTY**  
**ANDREW KIPCHUMBA LIMO.....24TH INTERESTED PARTY**  
**ROSELYN NDISI OBALA.....25TH INTERESTED PARTY**

TABITHA NDUNGE MUTEMI.....	26TH INTERESTED PARTY
FRED ODEO SIRARI.....	27TH INTERESTED PARTY
MARYANNE WAITHIRA WANGARI.....	28 TH INTERESTED PARTY
CHARLES AOKO AKELLOH.....	29TH INTERESTED PARTY
OMAR KOFA KOMORA.....	30TH INTERESTED PARTY
CAROLINE ODUOR.....	31ST INTERESTED PARTY
JOSEPH MURIMI NJOGU.....	32ND INTERESTED PARTY
LEONARD GUCHU.....	33RD INTERESTED PARTY
POF. GEORGE MORARA.....	34TH INTERESTED PARTY
NICODEMUS KIOKO.....	35TH INTERESTED PARTY
MOHAMED BONAYA ABDI.....	36TH INTERESTED PARTY
PETER MUNYWOKI MUTIE.....	37TH INTERESTED PARTY
DR EDWARD KIBIWOTT BOR.....	38TH INTERESTED PARTY
ODHIAMBO DANIEL ONYANGO.....	39TH INTERESTED PARTY
LINDA CHRISTABEL AKHATENJE MUSITA.....	40TH INTERESTED PARTY
RUTH OKOWA.....	41TH INTERESTED PARTY
METHA LLOYD KABURU.....	42ST INTERESTED PARTY
MANYURA TIBERIUS NYANG'AU.....	43ND INTERESTED PARTY
PAUL NAMASAKA NABISWA.....	44RD INTERESTED PARTY
OTIENO KANDEO DAULA.....	45TH INTERESTED PARTY
JACKSON OLIEWO OJWACH.....	46TH INTERESTED PARTY
ROSELINE ODHIAMBO OYOO.....	47TH INTERESTED PARTY
ELIJAH NJAGI IRERI.....	48TH INTERESTED PARTY
CHARLES JOHN ONYULO OMONDI .....	49TH INTERESTED PARTY
NOREEN KIDUNDUHU OYAMO.....	50TH INTERESTED PARTY
VIVIENNE ATIENO NAMADOA.....	51ST INTERESTED PARTY
NDIRANGU NGUNJIRI.....	52ND INTERESTED PARTY
DR. KENNEDY OCHIENG OLUNGO.....	53RD INTERESTED PARTY
ERIC SHIMOLI.....	54TH INTERESTED PARTY
DANIEL WAMBUA SAMMY.....	55TH INTERESTED PARTY
FRANCIS MWANGI WOKABI.....	56TH INTERESTED PARTY
GODFREY MATATA.....	57TH INTERESTED PARTY
KALEKEM LOKANYA SIMON.....	58TH INTERESTED PARTY
CHURCHIL MOSES OTIENO AUMA.....	59TH INTERESTED PARTY
CHARLES ERICK ODUOR .....	60TH INTERESTED PARTY
BEATRICE C. ROTICH.....	61ST INTERESTED PARTY

*(In court on 16<sup>th</sup> day of February, 2023 before Hon. Lady Justice Monica Mbaru)*

### ORDER

#### Application for orders

- a. THAT This application be certified as urgent and service be dispensed with in the first instance and be heard ex Parte.
- b. THAT pending the hearing and determination of this Application and petition inter-parties a Conservatory Order is hereby granted barring the Respondents and the Interested Parties herein from proceeding with the process of recruitment of chairperson and Members of the board of the 3<sup>rd</sup> respondent as notified by the gazette notice No.1570 Vol.CXXV-No.20 dated 10<sup>th</sup> February 2022 by this honourable court

- or until further orders of the court
- c. THAT pending the hearing and determination of this Application and petition inter-parties, a Conservatory Order barring the Respondents and the Interested Parties herein from spending any further public funds in any activity related to the recruitment of Members of the board of the 3<sup>rd</sup> respondent as notified by the gazette notice No. 1570 vol. CXXV No. 20 dated 10<sup>th</sup> February 2022 until this matter is heard and determined by this hounorable court or until further orders of the court.
  - d. THAT pending the hearing and determination of this Application and petition inter-parties, a Conservatory Order barring the Respondent and Interested parties from writing or commenting on this matter as notified by the gazette notice No.1570 Vol.CXXV-No.20 dated 10<sup>th</sup> February 2022 in a way that would Prejudice the determination of the same by this honourable court or until further orders of the court.
  - e. THAT pending the hearing, determination and final disposal of this application and Petition, a temporary Order of injunction BE and is HEREBY issued prohibiting the Respondents and all the parties either by themselves, their agents and/or any other person(s) whatsoever from acting and/or giving effect to gazette notice No. No.1570 Vol.CXXV-No.20 dated 10<sup>th</sup> February 2022.
  - f. THAT ANY other order/modification of my prayers in which this honourable court may deem fit to grant for purposes of attaining Justice for all Kenyans.
  - g. Cost in the cause

**THIS PETITION** coming up under certificate of urgency application dated 13<sup>th</sup> February 2023 on 16<sup>th</sup> February 2023 before Hon. Lady Justice M. Mbaru in Chambers

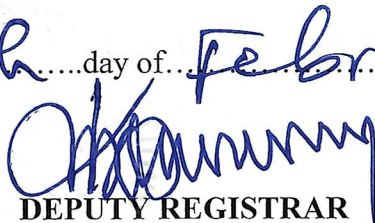
**IT IS HEREBY ORDERED**

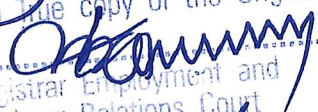
**THAT** on the notice of motion dated 13<sup>th</sup> February 2023, to allow for service upon all the respondents and interested parties,

1. **THAT** in the interim, the process of recruitment of chairperson and members of the Board of the 3<sup>rd</sup> Respondent as notified in **Gazette Notice No.1570** dated **10/2/2022** is hereby stayed.
2. **THAT** the Respondents plus Interested Parties shall not expend any public funds in this regard until further directed by the court.
3. **THAT** taking into account the No. of Respondents and Interested Parties, the Petitioner shall serve either physically or electronically.
4. **THAT** upon service, the Respondents and Interested Parties shall reply and attend for taking hearing directions on 27<sup>th</sup> February 2023

**GIVEN** under my Hand and Seal of the Court this 16<sup>th</sup> day of February 2023.

ISSUED at Nairobi..... 16<sup>th</sup> day of February 2023

  
 DEPUTY REGISTRAR

Certified True copy of the Original  
 Sign:   
 Registrar Employment and Labour Relations Court  
 16/2/2023

**EMPLOYMENT AND LABOUR RELATIONS COURT**