Rejoinder Confined to New Issues in a Dismissal Appeal Response

Educational sample 080 | Supreme Court of Kenya at Nairobi

Educational reconstruction based on a reported Kenyan decision. This is newly drafted text, not an original court filing, not a matter handled by our team, and not proof that a sample argument succeeded. Parties, parcels and identifying case details in the specimen are replaced with bracketed fields. Do not sign, swear or file it without checking your facts, jurisdiction, applicable rules and court directions.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

CASE OR APPLICATION NO [insert appropriate reference]

[APPLICANT OR CLAIMANT] v [RESPONDENT OR DEFENDANT]

REJOINDER

1. This rejoinder answers paragraphs [numbers] of the response served on [date]. It is confined to the response and the pleaded appeal. The Petitioner maintains the grounds already filed and does not substitute a revised petition through this document.

2. The response relies on the employee’s attendance at the committee hearing. The reply is that attendance and an explanation did not establish disclosure of the specific material report identified in the petition. The relevant record references are [pages].

3. Where the Respondent asserts that the employee knew the complaint, the Petitioner distinguishes general awareness of an allegation from access to the account or report actually used to support dismissal. The correspondence relied on is [pages], not a fresh affidavit account.

4. The Petitioner accepts that prior official involvement in procurement does not by itself prove judicial bias. The pleaded fairness challenge remains the opportunity to answer the adverse material and the Commission’s treatment of the evidential gaps.

5. The Respondent’s reliance on discretionary preliminary inquiry does not resolve the separate issue of a fair disciplinary hearing. The Petitioner asks the Court to keep those stages and their statutory functions distinct.

6. No new allegation about a shortened notice period is advanced in this rejoinder. If a document or issue is absent from the original pleadings and appeal record, the Petitioner seeks the appropriate leave or admission route rather than treating a rejoinder as permission.

7. On remedy, the Petitioner’s primary and alternative prayers remain those in the petition. Any statement about current post availability or salary computation requires identified admissible material and should be tested on that basis.

8. The Petitioner asks that the response be considered with this confined reply and that the appeal be determined on the preserved constitutional questions. The record schedule accompanying the petition remains unchanged except as the Court lawfully permits.

DATED at [place] on [date]. [Signature of party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

Rule 42 ordinarily provides seven days from service of the response for a rejoinder, subject to directions. Use an actual response and identify the paragraphs answered. Further affidavits or new evidence have their own admission requirements. This is not a reproduction of the appellant’s original rejoinder.

Source and procedural limits

A judicial administrative officer challenged dismissal following procurement-related disciplinary allegations. The ELRC ordered reinstatement, but the Court of Appeal reversed that outcome. His Supreme Court appeal concerned the disciplinary process, disclosure and constitutional fairness.

The Supreme Court allowed the appeal, ordered reinstatement if the post remained available or equivalent re-engagement, and payment of withheld salary from interdiction. It rejected the bias ground and a new notice-period argument not pleaded below. Additional compensation was declined in the circumstances.

Constitution Articles 47, 50(1), 163(4)(a) and 172(1)(c); Judicial Service Act section 32 and Third Schedule paragraph 25. Supreme Court Rules 2020 govern the appellate specimen, not the historical trial pleading rules.

Supreme Court Petition E005 of 2025 — 15 August 2025. Source: https://supremecourt.judiciary.go.ke/wp-content/uploads/2026/07/Eric-Kamande-v-Judicial-Service-Commission-SC-Petition-No.-E005-of-2025-Judgment-15th-August-2025.pdf

The linked original judgment may identify parties. This public specimen omits their names. Historical allegations are not presented as established facts. A different result in your own proceedings is possible.