Grounds of Objection to a Vetting Commission Appeal

Educational sample 103 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

PETITION OR APPLICATION NO [reference]

[APPELLANT OR APPLICANT] v [RESPONDENT]

GROUNDS OF OBJECTION

1. The Respondents oppose the requested restoration of the High Court result. They submit that their pleaded objections must be examined before being classified as a prohibited merits review.

2. The Respondents rely on the distinction between a board’s suitability assessment and a decision alleged to exceed the authority conferred upon it. The particular excess relied upon must be copied from the petitions below, with the relevant record references.

3. They contend that subsection (2) expressly mentions judges and that the implications for magistrates require reasoned interpretation. They acknowledge the Appellant’s contrary argument based on subsection (1) and existing Supreme Court authority.

4. They do not invite the Court to reopen every factual allegation or to determine a new employment claim. Any constitutional issue advanced here was raised and decided in the earlier proceedings.

5. The Respondents seek dismissal of the appeal and an express determination of costs. These objections reconstruct the historically unsuccessful position; they do not represent the governing result.

DATED at [place] on [date]. Signed [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

Under the official Supreme Court Rules 2020, rule 42 permits grounds of objection, an affidavit, or both, ordinarily within fourteen days of service unless directed otherwise. Check current directions and actual service. Keep objections within the appealed issues; facts need admissible evidence. Different relief or a different ground for affirmance may need the applicable cross-appeal or notice procedure. A response is not an automatic permission to introduce new issues.

Authorities and record references: [authority and proposition]; [relevant admitted document and page]; [court direction governing this filing].

Source and procedural limits

Four magistrates were found unsuitable by the transitional vetting board. Their internal review attempts failed. The commission implemented removal. The High Court dismissed the subsequent challenges, but the Court of Appeal allowed them. The Supreme Court appeal addressed whether the Sixth Schedule jurisdictional bar extended to magistrates.

The Supreme Court allowed the commission’s appeal, set aside the Court of Appeal judgment and restored the High Court result. Each party bore its own costs. This concerns the special transitional vetting regime, not an automatic immunity for ordinary modern employment decisions.

Read Sixth Schedule section 23(1) and (2) together, and distinguish review of suitability from any legally recognised complaint that the board exceeded its temporal mandate. Constitution Article 163(4)(a) supplies the appellate gateway. The board is now defunct; this is a historical reconstruction.

[2023] KESC 32 (KLR) — 21 April 2023. Original judgment: https://supremecourt.judiciary.go.ke/wp-content/uploads/2025/01/Supreme-Court-Law-Reports-2023-Vol-1.pdf#page=186

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.