



KENYA SCHOOL OF LAW

Project Work (20 Marks)

Term 1 - 2014

(Classes A, B, C and D)

Date of Submission: 30th May 2014, 5:00pm in both hard copy (to Linet) and soft copy (to mlaibuta@gmail.com)

Question 1 (8 Marks)

John Mutua was employed by the Teachers Service Commission in 1990 as a secondary school teacher. He mainly taught Mathematics and Chemistry. From 1990 to 1996 he taught at Moyale High School; from 1997 - 2005 he was appointed the Deputy Principal at Ngong High School; and was appointed Principal of Karen Secondary School in 2007 and served until 2014. Karen Secondary School is a provincial school ran by a Board of Governors appointed by the Ministry of Education. The Chairperson Mrs. Nekesa Wafula is a former Deputy Commissioner of the Kenya Police. In March 2014 the Board of Governors Karen Secondary School ejected John Mutua from his office citing several offences:

- a.) Embezzlement of school funds;
- b.) Sexually harassing female teachers and students;
- c.) Decline in the discipline and performance of the students;
- d.) Ran down school facilities; and
- e.) Insubordination to the Board of Governors.

Mutua has never been subject to any investigations or disciplinary proceedings since he started teaching in 1990. John Mutua claims that he was not only ejected from his office but also from the house he was allocated by the school. He says that he was only given seven (7) days notice to vacate. On the charges laid against him by the Board of Governors, Mutua has since maintained that they are fabricated and that he was never given the opportunity to defend himself. Mutua claims that Mrs. Nekesa Wafula frog matched him from his office at gun point. Mutua and Nekesa are not in talking terms since Mutua declined a request by Nekesa to admit her son to Karen High School as he had not achieved the required cut off marks. He also indicates that he was never subjected to the Teachers Service Commission's disciplinary processes as required by law. Mutua claims that he has documentary and oral evidence from his

colleagues against the fabricated charges against him. Ms. Neema Juma has since been appointed by the Board of Governors as the acting Principal of Karen high School. John Mutua has come to your chambers seeking legal advice.

With the above information, draft the following:

- a.) A research strategy for the matter and
- b.) A legal opinion to John Mutua.

Question 2 (8 Marks)

Critically analyse the case of the Speaker of the Senate & another v Hon. Attorney-General & another & 3 others [2013] eKLR (attached) and draft:

- a.) A case brief (Maximum five (5) A4 pages).

Question 3 (4 Marks)

Any person or persons shall and may at any time commence and prosecute any action or suit in any court of record or court of equity or of admiralty, and in all causes matrimonial and testamentary, in any court having cognizance of causes matrimonial and testamentary, against any peer or lord of Parliament of Great Britain, or against any of the knights, citizens, and burgesses, and the commissioners for shires and burghs of the House of Commons of Great Britain for the time being, or against their or any of their menial or any other servants, or any other person intitled to the privilege of Parliament of Great Britain; and no such action, suit, or any other process or proceeding thereupon shall at any time be impeached, stayed, or delayed by or under colour or pretence of any privilege of Parliament.

Draft the above in plain English.