

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CONSTITUTIONAL AND HUMAN RIGHTS**  
**PETITION NO. E280 OF 2020**

**IN THE MATTER OF ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS  
& FREEDOMS UNDER ARTICLE 1, 3, 10, 25, 27(1)(2), 28, 29, 47, 48, 50, 258,  
CHAPTER SIX AND CHAPTER 13 OF THE CONSTITUTION OF KENYA 2010**

**AND**

**IN THE MATTER OF SECTIONS 4 AND 5 OF THE FAIR ADMINISTRATIVE  
ACTIONS ACT.**

**AND**

**IN THE MATTER OF SECTIONS 26 OF THE NUTRITIONS & DIETICIANS ACT NO.  
18 OF 2007.**

**BETWEEN**

**MICHAEL OUMA ODERO.....PETITIONER**

**VS**

**KENYA NUTRITIONISTS AND DIETICIANS INSTITUTE..... RESPONDENT**

**DECREE**

**CLAIM FOR: -**

- i) A declaration that the Respondents administrative actions illustrated by the Respondents by the ex-parte disciplinary proceedings, the letters dated 20/08/2020 by the Respondent to the Petitioner and subsequent Public Notice Communicating deregistration of the Petitioner from the membership of the Respondent as well as revocation of the Petitioners Professional License reference No. G/2298/17 by the Respondent and by extension Private License No. KND/REG/PP13/20 for Middle Health Solution (BN/9PCQVKZ) are contrary to **the Nutritionists & Dieticians Act**, Fair Administrative Action and the Constitution of Kenya are illegal, unlawful, un-procedurally fair, discriminatory, null and void.
- ii) An Order of Certiorari to call, remove, deliver up to this Honorable Court and quash or revoke the Respondents Disciplinary Committee proceedings of 17<sup>th</sup> August 2020, the letter ref KNDI/DISCIPLINARY/FL/00001(2) dated 20<sup>th</sup> August 2020 to the Petitioner and the Respondents Public Notice published on its website Communicating deregistration of the Petitioner from the membership of the Respondent as well as revocation of the Petitioners Professional License reference No. G/2298/17 by the Respondent and by extension Private License No. KND/REG/PP13/20 for Middle Health Solution (BN/9PCQVKZ).

- iii) A Conservatory Order compelling the Respondent whether by itself or through its officers or any Committee including but not limited to the Chief Executive Officer and or the Disciplinary Committee to proceed and adjudicate the dispute between the Respondent and the Petitioner as illustrated by letter ref: KNDI/DISCIPLINARY/FL/00001 dated 03/08/2020 by the Respondent to the Petitioner in accordance with the Nutritionists & Dieticians Act, Fair Administrative Action, all relevant laws and the Constitution of Kenya.
- iv) Compensation for violation of the Petitioners fundamental rights and freedoms
- v) Costs of the Petition
- vi) Any other relief that the Court may deem fit to grant in the circumstances of the Petition.

**THIS MATTER** coming up for hearing on 15<sup>th</sup> October, 2020, before Hon. Mr. Justice A. Mrima. (Electronically) **AND UPON HEARING** counsel for the Petitioner, counsel for the Respondents, **AND WHEREAS** this matter coming up for delivery of Judgment on 23<sup>rd</sup> November, 2020 before Hon. Mr. Justice A. Mrima in the presence of Counsel for the Petitioner and Counsel for the 1<sup>st</sup> & 2<sup>nd</sup> Respondent. (Electronically)

**IT IS HEREBY ORDERED AND DECREED: -**

1. **THAT** A declaration be and is hereby issued ,that the Respondents administrative actions illustrated by the Respondents by the *ex-parte* disciplinary proceedings, the Respondent's letters dated 20/08/2020 the subsequent Public Notice Communicating deregistration of the Petitioner from the membership of the Respondent as well as revocation of the Petitioners Professional License reference No. G/2298/17 and by extension Private License No. KND/REG/PP13/20 for Middle Health Solution (BN/9PCQVKZ) are contrary to **Constitution and the** Fair Administrative Action Act hence unconstitutional, unlawful, un-procedurally fair, null and void.
2. **THAT** An Order of Certiorari be and is hereby issued, calling, removing, delivering up to this Honorable Court and quashing or revoking the Respondent's Disciplinary Committee proceedings of 17<sup>th</sup> August 2020, the letter ref **KNDI/DISCIPLINARY/FL/00001(2)** dated 20<sup>th</sup> August 2020 to the Petitioner and the Respondents Public Notice published on the Respondent's website Communicating deregistration of the Petitioner from the membership of the Respondent as well as revoking the Petitioners Professional License reference No. G/2298/17 by the Respondent and by extension Private License No. **KND/REG/PP13/20** for Middle Health Solution (BN/9PCQVKZ).

3. **THAT** the Respondent is at liberty to re-hear the complaints against the Petitioner.
4. **THAT** costs to the Petitioner

**GIVEN** under my Hand and the Seal of the Honourable Court this **23<sup>rd</sup> November, 2020.**

**ISSUED** at **Nairobi** this.....**27<sup>th</sup>**.....day of.....**November**....., 2020.

  
**DEPUTY REGISTRAR**

**CONSTITUTIONAL & HUMAN RIGHTS DIVISION**

**HIGH COURT OF KENYA AT NAIROBI**