

5<sup>th</sup> October, 2018

Dear Members,

**RE: JUDICIAL REVIEW CASE NO. 292 OF 2017 - OBSERVANCE OF 10<sup>TH</sup> OCTOBER  
AS A PUBLIC HOLIDAY**

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A Judicial Review Application against the Cabinet Secretaries for Internal Security and East Africa Community Labour and Social Protection of and the Attorney General seeking for the following orders of Mandamus and Declaration namely: -

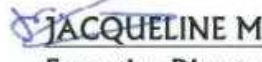
1. That the Court do issue judicial review orders in the form of a declaration that the CS Internal Security's omission to have the 10<sup>th</sup> day of October observed as a public holiday is an illegality and in contravention of section 2(1) as read with part 1 of the Schedule of the Public Holidays Act and
2. That the Court do issue judicial review orders in the form of mandamus directing the the CS Internal Security to henceforth treat the 10<sup>th</sup> Day of October as a public holiday by taking all precautions and performing all acts necessary for the celebration of a Public Holiday as provided for in Article 9 of the Constitution of Kenya as read with the Public Holidays Act.

The Court heard the said Application and granted the Orders by issuing a declaration that the omission to have the 10<sup>th</sup> day of October observed as a public holiday is an illegality and in contravention of section 2(1) as read with part 1 of the Schedule to the Public Holidays Act and further declared that unless and until Parliament amends Schedule I of the said Act or the Minister substitutes the same for another date, the 10<sup>th</sup> of October in each year shall continue being a public holiday. It is however not for the Court to prescribe the manner in which the same is to be celebrated.

The Court Orders have not been challenged and the Public Holidays Act has not been amended and therefore the 10<sup>th</sup> of October in each year shall continue being a public holiday.

Kindly be advised.

Yours sincerely,

  
**JACQUELINE MUGO (EBS,OGW)**  
Executive Director/CEO