



REPUBLIC OF MALAWI  
IN THE HIGH COURT OF MALAWI  
CIVIL DIVISION  
PRINCIPAL REGISTRY  
CIVIL CASE NO 372 of 2016

BETWEEN

THE STATE (ON THE APPLICATION OF THE MALAWI WRITERS  
UNION)..... CLAIMANTS

AND

MINISTRY OF EDUCATION SCIENCE AND TECHNOLOGY  
.....FIRST DEFENDANT

AND

MALAWI INSTITUTE OF EDUCATION ..... SECOND DEFENDANT

CORAM

J Nriya Judge

Mr Phokosa for the claimant

Ms Michongwe for the first defendant

Mr Nthembako Banda for the second defendant

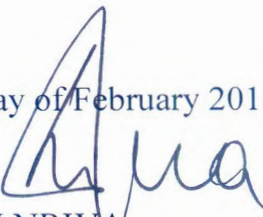
## RULING

When this matter came for hearing, the defendants raised issues that the matter was prematurely set down for hearing. There were also other issues that the defendants raised. On premature setting down of the matter, the defendants argued that they were yet to file respective defences. Further, the matter had not been scheduled for a scheduling conference. The other issue that the defendants raised was that the claimants improperly commenced the action and that the second defendant was improperly added to the proceedings.

The defendant asked the court to dismiss the action.

I will not dismiss the action. Rather, I stay the hearing of the judicial review. The claimants is supposed to follow the prerequisites to have the matter properly before the Court.

DELIVERED in Chamber, the 9<sup>th</sup> day of February 2018



J. N. RIVA  
JUDGE