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# LEGAL NEWS

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## Court of Appeal of Tanzania Underscores Public Bodies' Duty to Give Reasoned Decisions

On 5 May 2026, the Court of Appeal of Tanzania (the Court) delivered a judgment in a judicial review matter between Permanent Secretary, Public Service Management and Good Governance & Another and Komanya Eric Kitwala, Civil Appeal No. 380 of 2024. In this matter, the Court considers and determines whether there exists a legal duty to assign reasons for one's removal from public office; and the conditions precedent for the issuance of the order of mandamus.

### Background of the Case

In terms of the background of the case, the Respondent, Komanya Eric Kitwala, was employed as a Legal Officer at the Public Service Social Security Fund (PSSSF) from 2010 until 2018 when he was appointed District Commissioner for Tabora District. His appointment was revoked by the President in November 2021, after which he sought reinstatement to his former position. Instead, he received a letter informing him that he had been retired from public service in the public interest. Aggrieved by the decision, he filed an application for judicial review before the High Court seeking orders of certiorari (order to quash and set aside a decision) and mandamus (order to reinstate). The High Court granted the application, leading the Appellants to appeal to the Court to challenge the High Court's findings.

### Arguments Raised by Parties

The Appellants argued that the President, under Article 36 of the Constitution of the United Republic of Tanzania, the Public Service Act, and related Regulations, had discretionary powers to remove a public servant in the public interest without being required to provide reasons; and that such removal was distinct from disciplinary dismissal which requires hearing and providing reasons. They further contended that the High Court erred in granting an order of mandamus because judicial review only concerns the legality of the decision-making process and not the merits of the decision itself.

Conversely, the Respondent argued that even where the President exercises powers to remove a public servant in the public interest, the principles of fairness, transparency, and accountability require reasons to be given. He maintained that failure to provide reasons denied him the opportunity to understand and challenge the decision effectively, and that the order of mandamus issued by the High Court was merely consequential after the impugned decision had been quashed.

### Decision of the Court

The Court held that although the President has powers to remove a public servant in the public interest, those powers must be exercised fairly and with adequate reasons. The Court found that merely stating "public interest" without further explanation was insufficient and violated principles of fair administrative action. The Court, therefore, agreed with the High Court that the decision was defective for failure to assign reasons. However, the Court also found that the High Court erred in granting an order of mandamus because the legal conditions for such an order had not been satisfied. Consequently, the Appeal succeeded in part, with the Court quashing the order of mandamus while maintaining the finding that the respondent's removal without reasons was unlawful.

To read the Judgment [click here](#)

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[info@ecraattorneys.co.tz](mailto:info@ecraattorneys.co.tz)

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### ECRA Attorneys Address

10th Floor-Left Wing, Mwangi Tower,  
Komanya Street, Kijitonyama,  
Dar es Salaam, Tanzania  
T: +255 743 024 396 | +255 714 949 604  
E: [info@ecraattorneys.co.tz](mailto:info@ecraattorneys.co.tz)  
W: [www.ecraattorneys.co.tz](http://www.ecraattorneys.co.tz)

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