



IN THE HIGH COURT OF SOUTH AFRICA
(LIMPOPO DIVISION, POLOKWANE)

CASE NO: 9957/2023

BEFORE THE HONOURABLE: ACTING JUDGE SIKHWARI
On the 07th day of NOVEMBER 2023

In the matter between:

THE SCHOOL GOVERNING BODY OF MALEKANE
PRIMARY SCHOOL

FIRST APPLICANT

SAVIOUR ASSOCIATION OF SCHOOL GOVERNING
BODIES

SECOND APPLICANT

and

HEAD OF DEPARTMENT OF EDUCATION, LIMPOPO

FIRST RESPONDENT

MEMBER OF EXECUTIVE COUNCIL FOR
EDUCATION, LIMPOPO

SECOND RESPONDENT

LEBOGANG ROSSY SEWELA

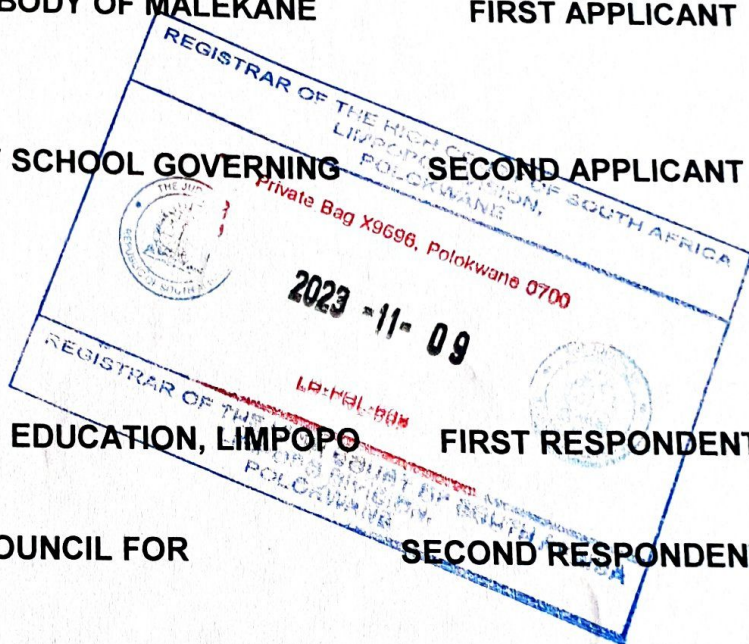
THIRD RESPONDENT

NONTSIKELELO MOKHOJANE

FOURTH RESPONDENT

CIRCUIT MANAGER OF NGWAABE CIRCUIT:
LIMPOPO DEPARTMENT OF EDUCATION

FIFTH RESPONDENT



DISTRICT DIRECTOR OF SEKHUKHUNE EAST:
LIMPOPO DEPARTMENT OF EDUCATION

SIXTH RESPONDENT

Having considered the documents filed of record and having heard counsel,

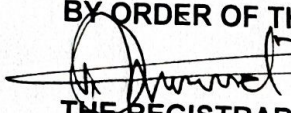
IT IS ORDERED THAT:

1. The Honourable Court condones non-compliance with the forms of service provided for in the Uniform Rules of the Court and dispenses with same, and the application is heard as urgent in terms of Rule 6(12) of the Uniform Rules of Court.
2. Non-compliance with timeframes stipulated in Rule 53 of the Uniform Rules of the Court is condoned.
3. The First and Six Respondents decision dated 19 OCTOBER 2023 to decline the First Applicant's recommendations in respect of Post No 12 at Malekane Primary School is declared unlawful and invalid and is reviewed and set aside.
4. The First and Six Respondent's decision dated 19 OCTOBER 2023 to decline the First Applicant's recommendations in respect of Post No 13 at Malekane Primary School is declared unlawful and invalid and is reviewed and set aside.



5. The matter is remitted back to the First Respondent for the purposes of compliance with section 6(3)(g) of the Employment of Educators Act 76 of 1998 within fifteen(15) days from the date of service of this order on the First Respondent.
6. The First, Second, Fifth and Sixth Respondents are ordered to pay the costs of this application on party and party scale and such costs will be costs of one counsel.

BY ORDER OF THIS COURT


THE REGISTRAR

