

IN THE EASTERN CAPE HIGH COURT, BHISHO  
(REPUBLIC OF SOUTH AFRICA)

CASE NO. \_\_\_\_\_

In the matter between:

<b>EQUAL EDUCATION</b>	First Applicant
<b>INFRASTRUCTURE CRISIS COMMITTEE OF MWEZENI SENIOR PRIMARY SCHOOL</b>	Second Applicant
<b>INFRASTRUCTURE CRISIS COMMITTEE OF MKANZINI JUNIOR SECONDARY SCHOOL</b>	Third Applicant

and

<b>MINISTER OF BASIC EDUCATION</b>	First Respondent
<b>MEC FOR EDUCATION: EASTERN CAPE</b>	Second Respondent
<b>GOVERNMENT OF THE EASTERN CAPE PROVINCE</b>	Third Respondent
<b>GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA</b>	Fourth Respondent
<b>MEC FOR EDUCATION: FREE STATE</b>	Fifth Respondent
<b>MEC FOR EDUCATION: GAUTENG</b>	Sixth Respondent
<b>MEC FOR EDUCATION: KWAZULU-NATAL</b>	Seventh Respondent
<b>MEC FOR EDUCATION: LIMPOPO</b>	Eighth Respondent
<b>MEC FOR EDUCATION: MPUMALANGA</b>	Ninth Respondent
<b>MEC FOR EDUCATION: NORTHERN CAPE</b>	Tenth Respondent
<b>MEC FOR EDUCATION: NORTH WEST</b>	Eleventh Respondent
<b>MEC FOR EDUCATION: WESTERN CAPE</b>	Twelfth Respondent
<b>MINISTER OF FINANCE</b>	Thirteenth Respondent

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NOTICE OF MOTION

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**TAKE NOTICE THAT** the First to Third Applicants intend making application to the above Honourable Court for orders in the following terms:

1. It is declared that the failure of the first to fourth respondents to address and remedy the unsafe, unhealthy and inadequate conditions at Mwezeni SPS and Mkanzini JSS by at least providing safe and adequate emergency structures, is unconstitutional and otherwise unlawful;
2. The first to fourth respondents are directed forthwith to provide emergency relief to Mwezeni SPS and Mkanzini JSS in the form of safe and adequate structures, temporary or otherwise;
3. The first to fourth respondents are ordered:
  - 3.1. to develop a plan or plans, in consultation with the applicants, to provide appropriate and adequate school facilities to Mwezeni SPS and Mkanzini SPS within 30 days of the date of this order,
  - 3.2. within 45 days of the date of this order, to file an affidavit with this Court and the applicants' attorneys setting out the plan or plans developed in accordance with paragraph 3.1 above, including what steps will be taken, when each such step will be taken, and by whom each such step will be taken, in order to implement the plan or plans concerned; and
  - 3.3. to file with this Court and the applicants' attorneys reports on affidavit setting out all steps taken pursuant to this order, at least once every three months from the date of this order, until Mwezeni SPS and Mkanzini JSS have been provided with appropriate and adequate school facilities.

4. Any of the parties may re-enrol this matter for hearing at any stage, if necessary on duly supplemented papers, for the consideration of any further orders arising out of the orders set out in paragraphs 1 to 3 above.
5. It is declared that the failure of the Minister of Education to make regulations which prescribe minimum uniform norms and standards for school infrastructure constitutes a breach of the constitutional rights to a basic education, equality, and dignity, and a breach of her duties under section 5A(1)(a) and 5A(2)(a) of the South African Schools Act.
6. The failure of the Minister of Education to make regulations which prescribe minimum uniform norms and standards for school infrastructure is reviewed and set aside.
7. The Minister is directed to make regulations which prescribe minimum uniform norms and standards for school infrastructure in terms of section 5A(1)(a) and 5A(2)(a) of the South African Schools Act, within three months of the date of this order.
8. The first to fourth Respondents are ordered to pay the costs of this application, jointly and severally with any of the other Respondents who oppose this application.

**TAKE NOTICE FURTHER** that the affidavit of Yoliswa Dwane and the annexures thereto will be used in support of this application.

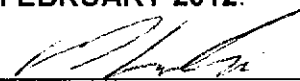
**TAKE FURTHER NOTICE** that the applicants have appointed Shaun Naidoo Attorneys of 96 Cambridge Road, King William's Town as the address at which they will accept notice and service of all process in these proceedings.

**TAKE NOTICE FURTHER THAT**, should any of the Respondents intend to oppose this application, they are required to:

- a) file a notice of intention to oppose within 21 ordinary days of receipt of this notice;
- b) within fifteen (15) days after filing a notice of intention to oppose the application, file an answering affidavit, if any;
- c) further, that you are required to appoint in such notification an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings

**TAKE FURTHER NOTICE THAT**, if no notice of intention to oppose be given, the application will be made on **Thursday 26 April 2012** at 10:00 or so soon thereafter as counsel may be heard.

**DATED at GRAHAMSTOWN on this 29<sup>th</sup> day of FEBRUARY 2012.**

  
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cameron@lrc.org.za  
C/O SHAUN NAIDOO ATTORNEYS  
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KING WILLIAM'S TOWN

TEL: 043 6434104 FAX: 043 643 4143  
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- TO: THE REGISTRAR  
HIGH COURT  
BHISHO
- AND TO: FIRST, FOURTH AND THIRTEENTH  
RESPONDENTS  
C/O STATE ATTORNEY  
Old Mutual Centre, 8th Floor,  
167 Andries Street, Pretoria, 0001  
Tel: 012 309 1500  
Fax: 012 328 2662/3
- AND TO: SECOND AND THIRD  
RESPONDENTS  
C/O STATE ATTORNEY  
Shared Legal Services  
Office of the Premier  
32 Alexandra Road  
King William's Town  
Tel: 043 604 6922  
Fax: 043 604 6927
- AND TO: FIFTH RESPONDENT  
C/O STATE ATTORNEY  
Fedsure Building, 11th Floor,  
49 Maitland Street, Bloemfontein  
Tel: 051 400 4300  
Fax: 051 4004 341/331/336
- AND TO: SIXTH RESPONDENT  
C/O STATE ATTORNEY  
10th Floor North State Bldg,  
95 Market Street, Johannesburg,  
Tel: 011 330 7600  
Fax: 011 337 6200
- AND TO: SEVENTH RESPONDENT  
C/O STATE ATTORNEY  
Sangro House, 417 Smith Street,  
Durban  
Tel: 031 365 2500  
Fax: 031 306 2448
- AND TO: EIGHTH RESPONDENT  
C/O STATE ATTORNEY  
65A Landros Mare' Street,  
Polokwane, 0700

Tel: 015-291-3608/3637  
Fax: 015-291-4894

AND TO: NINTH RESPONDENT  
Government Boulevard  
Riverside Park  
Government Building 5  
Upper Ground Floor  
Nelspruit

AND TO: TENTH RESPONDENT  
C/O STATE ATTORNEY  
Cnr Lennox & Chapel Streets,  
Woolworths Building, Kimberley,  
Tel: 053 807 7800  
Fax: 053 807 7806

AND TO: ELEVENTH RESPONDENT  
C/O STATE ATTORNEY  
Justice Chambers,  
44 Shippard Street, Mafikeng  
Tel: 018 381 0404 / 0669  
Fax: 018 381 1615

AND TO: TWELFTH RESPONDENT  
C/O STATE ATTORNEY  
4<sup>th</sup> Floor, Liberty Life Centre,  
22 Long Street, Cape Town  
Tel: 021 441 9200  
Fax: 021 421 9364