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**FREE STATE HIGH COURT, BLOEMFONTEIN  
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: 1821/2013

In the matter between:

<b>LERATO RADEBE</b>	<b>1<sup>ST</sup> APPLICANT</b>
<b>LEHLOHONOLO RADEBE</b>	<b>2<sup>ND</sup> APPLICANT</b>
<b>SELLOANE MOTLOUNG</b>	<b>3<sup>RD</sup> APPLICANT</b>
<b>EQUAL EDUCATION</b>	<b>4<sup>TH</sup> APPLICANT</b>

and

<b>PRINCIPAL OF LESEDING TECHNICAL SCHOOL</b>	<b>1<sup>ST</sup> RESPONDENT</b>
<b>CHAIRPERSON OF THE SCHOOL GOVERNING BODY, LESEDING TECHNICAL SCHOOL</b>	<b>2<sup>ND</sup> RESPONDENT</b>
<b>DISTRICT DIRECTOR, LEJWELEPUTSWA DISTRICT</b>	<b>3<sup>RD</sup> RESPONDENT</b>
<b>HEAD OF DEPARTMENT, BASIC EDUCATION, FREE STATE</b>	<b>4<sup>TH</sup> RESPONDENT</b>
<b>MEC FOR EDUCATION : FREE STATE</b>	<b>5<sup>TH</sup> RESPONDENT</b>
<b>MINISTER OF BASIC EDUCATION</b>	<b>6<sup>TH</sup> RESPONDENT</b>

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**SUPPORTING AFFIDAVIT**

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I, the undersigned,

**ISHMAEL BERRY TSHABANGU**

do hereby make oath and say:

1.

- 1.1 I am the Deputy Chief Education Specialist, district office, Welkom. I am employed by the Department of Education, Free State Province.
- 1.2 The facts to which I depose are within my personal knowledge and true and correct.
- 1.3 I have read the opposing affidavit of K V S Moipatle and confirm the correctness thereof in so far as it relates to me.

2.

The father of Lerato, the Second Applicant, approached the district office, Welkom, for assistance. I met the father and we discussed the matter to see whether we can find a solution. One of the solutions suggested by the Second Applicant was the placement of Lerato in an alternative school. I dealt with registrations of pupils and especially those who could not find admission.

3.

The Second Applicant told me that he had an argument with the principal and teachers at the Leseding Technical Secondary School. He thought it

best if his child could be placed in an alternative school. He was worried that the principal and staff might victimise his child.

4.

The Second Applicant informed me that he had preferred that his daughter not attend the Leseding Technical Secondary School, but that his mother had placed them in the school. He would have preferred Lerato to have attended the Lenakeng Technical High School or the Thotagauta Secondary School, Welkom.

5.

I then told the Second Applicant that I would phone the Lenakeng Technical High School to see whether there was a possibility of placing his daughter there. I talked to the principal but there was, however, no extra space available. I then told the Second Applicant that we should try the Thotagauta Secondary School, Welkom. I phoned the principal and briefed him about the background. The principal told me that he foresaw no problem if the child abided by the code of conduct of the school. The school previously experienced many disciplinary problems but these had been sorted out. I talked to the Second Applicant with regard to whether he would abide by the code of conduct, which also made provision for a specific hairstyle. He said that he would abide by the code of conduct of learners regarding their hairstyle. I then arranged with the principal that Lerato be admitted in his school and signed a letter to that effect on behalf of Mr. Leepo on **4 February 2013**. That letter is attached as annexure “**C**” to the founding affidavit of the Applicants.

6.

I was therefore of the firm belief and understanding that the matter had been resolved and that the First Applicant had been admitted in the school of her father's choice. That was already, as aforesaid arranged on **4 February 2013**.

7.

The principal of Leseding Technical Secondary School was advised of this development and that the First Applicant was now registered and admitted in another school. First Applicant was therefore deregistered at the Leseding Technical Secondary School. Everybody was advised that the matter had now been resolved. It was resolved in agreement with the Second Applicant and also on his insistence. I was taken by surprise to learn later that the Second Applicant decided not to take the child to the school we agreed upon, but that he again returned the First Applicant to the Leseding Technical Secondary School.

8.

The Department was informed that the Second Applicant was not, contrary to his agreement, willing to abide by the code of conduct at the Thotagauta Secondary School, Welkom. Again the Department went out of its way to initiate and try to find a solution. Another school, without any code of conduct regarding hairstyle, was the Unitas Secondary School. I discussed the matter with the principal, Mr. Mahlatsi, who was willing to accept Lerato as a pupil without any prescriptions regarding hairstyle. The Second Applicant was telephonically informed of this development. I told him that a

letter was written which he could take to the principal, Mr. Mahlatsi, to have Lerato admitted at the school. He undertook to fetch the letter early the next morning. I was at the office very early, but he did not arrive as agreed. I later phoned the Second Applicant and he said that he could not find any transport and that I should phone his wife, the Third Applicant. I phoned the Third Applicant and she undertook to come and fetch the letter for the placement of Lerato at the Unitas Secondary School after work.

9.

However, the Third Applicant also did not adhere to the promise to come and fetch the letter.

10.

The next morning I phoned the Third Applicant. She informed me that they were advised by Equal Education not to go and fetch the letter and that is the reason for their refusal to come and collect the letter.

11.

With the facts of my disposal is it not correct that any of the Respondents are preventing the First Applicant to participate fully as a learner at a school. It is only the Second Applicant and now seemingly also the Fourth Applicant who is preventing the child from receiving her education.

12.

I humbly request the Honourable Court to dismiss the application in the circumstance of this case.

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**I B TSHABANGU**

**I CERTIFY** that this affidavit has been sworn to and signed before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_2013 by the abovementioned deponent who declared that he is acquainted with the contents of this affidavit and understands same, that he has no objection to taking the prescribed oath and further, that he considers the said oath as binding on his conscience, which oath was properly taken by me, as required by law.

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**COMMISSIONER OF OATHS**

**FULL NAMES** :  
**ADDRESS** :  
**CAPACITY** :  
**AREA** :